

EX-115

November 23, 1971

164-2042-251

REC-12

Honorable Birch Bayh
United States Senate
Washington, D. C. 20510

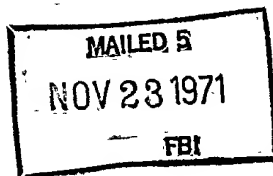
Dear Sir:

I received your communication with enclosure, on November 18th concerning [redacted] of Columbus, Indiana.

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b7C

While I understand the concern which prompted [redacted] letter and would like to respond to the points he raised, the matter involving the hijacking of a chartered aircraft to Jacksonville, Florida, on October 4th is currently the subject of court action. On November 1st U. S. District Judge Gerald B. Tjoflat, Middle District of Florida, Jacksonville, Florida, issued an order prohibiting all Government Agents and employees, including the FBI, from making any statements regarding the events set out in and surrounding the criminal indictment in this case.

In accordance with your request, I am returning your constituent's communication.



Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

Enclosure

1 - Indianapolis - Enclosures (2)

1 - Mr. M. A. Jones - Enclosures (2) - detached [initials]

NOTE: Bufiles disclose [redacted] wrote Senator Hartke November 12th regarding same matter; answered outgoing 11/16/71. No previous information concerning [redacted]

JPK:mls (7)

54 DEC 6 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

123

United States Senate

Please note the attached letter from a constituent forwarded to you for any consideration the correspondence may warrant. I would greatly appreciate your checking into this matter. Upon completion of your investigation, please advise me of the status of this case in duplicate and return the original letter in an envelope marked to the attention of the Legislative Department.

Your assistance in this matter is appreciated.

Sincerely,

Birch Bayh

Birch Bayh

United States Senator

(D-Ind.)

ack
11-23-71
JPK/mle

251

BRENT DOWNS

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. DeLoach
Mr. Cleveland
Mr. Ponder
Mr. Rupp
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

W. J. Imfeldt

EXP. PROC.

NOV 18 1971

35

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Pa

REC-12

164-2042-251

NOV 18 1971

EX-115

ENCLOSURE

ERT

CORRESPONDENCE

Mr. Tolson _____
Mr. Felt _____
Mr. Rosen _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Miller, E.S. _____
Mr. Callahan _____
Mr. Casper _____
Mr. Conrad _____
Mr. Dalbey _____
Mr. Cleveland _____
Mr. Ponder _____
Mr. Bates _____
Mr. Tavel _____
Mr. Walters _____
Mr. Soyars _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

October 26, 1971

Senator Birch Bayh
Old Senate Office Building
Washington, D. C. 20510

Dear Senator Bayh

I am sure you are familiar with the plane hijacking in Nashville Tennessee on October 4th that caused the death of three people.

It would seem to me that this Could have been avoided if the F. B. I. had refueled the plane as the pilot had requested.

Senator, if you have any information as to why the F. B. I. refused, I would appreciate it, if you would Contact the Mother of the pilot, Brent Downs. Her address is - [redacted]

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[redacted] is my sister -

Best Personal Regards,

copy:lhb

164-2042-251
ENCLOSURE

Senator Birch Bayh.
Old Senate Office Building
Washington, D.C. 20510

October 26, 1971

Dear Senator Bayh

I am sure you
are familiar with the plane
crashing in Rockwell's Terminal on
October 4th that caused the death
of three people.

It would seem to me that this
could have been avoided if the
F.B.I. had refused the plane and
the pilot had requested.

Senator, if you have any
information as to why the F.B.I.
refused, I would appreciate it, if
you would contact the mother of the
pilot, Gail Howard. Her address is -

Ms. Hunter - Best Personal Regards,

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR007 AT PLAIN

1:21 AM 11/27/71 JHH

NITEL 11/26/71 ELS

NOV 27 1971

TELETYPE

TO DIRECTOR 164-2042

JACKSONVILLE 164-103

MEMPHIS 164-76

OKLAHOMA CITY 164-54

FROM ATLANTA 164-241 -P- 2P

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	✓
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	b6
Miss Holm	b7C
Miss Gandy	_____

GEORGE MALLORY GIFFE, JR., AKA (DECEASED), ET AL. CAA -
HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED
WEAPON; KIDNAPING; FTCA. OO:JACKSONVILLE.

RE JACKSONVILLE TEL TO BUREAU NOVEMBER TWENTYFOUR, LAST.

ON NOVEMBER TWENTYSIX, INSTANT, [REDACTED] FAA, [REDACTED]
FULTON COUNTY AIRPORT, ADVISED THAT HIS CHIEF, [REDACTED]
WAS NOT AVAILABLE. HE ADDED THAT HE WOULD AFFORD THE FBI FULL
COOPERATION IN THIS MATTER.

SAME DATE, [REDACTED] BIG
BROTHER AIRCRAFT, FULTON COUNTY AIRPORT, ADVISED THAT LEFT WIND-
SHIELD, RIGHT RUDDER BOOT, AND ENGINE COWL FROM INSTANT HAWK
COMMANDER AIRCRAFT MAINTAINED IN HANGAR, THIS LOCATION.
END PAGE ONE

55 DEC 6 1971

REC-36

164-2042-252-PC

17 DEC 1 1971

PAGE TWO

AT 164-241

[REDACTED] ADVISED HE WOULD TURN SAID ITEMS OVER TO
FBI, UPON ADVICE OF HIS ATTORNEY.

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AT THIS POINT, HE TELEPHONICALLY CONTACTED [REDACTED]
ATTORNEY, [REDACTED] AND OTHERS OF NASHVILLE,
TENN. HE ADVISED [REDACTED] STATED THERE WOULD BE NO PROBLEM IN
TURNING ITEMS OVER TO FBI; HOWEVER, [REDACTED] REQUESTED THAT HE
BE FIRST CONTACTED BY BUREAU PERSONNEL AT NASHVILLE.

[REDACTED] WHO WAS CORDIAL AND COOPERATIVE DURING
INTERVIEW, STATED THAT UPON APPROVAL OF HIS ATTORNEY, HE
WILL INSTRUCT HIS SERVICE MANAGER, [REDACTED] TO ASSIST THE FBI
IN ACQUISITION OF SAID EVIDENCE.

MEMPHIS AT NASHVILLE, TENN. WILL CONTACT ATTORNEY

[REDACTED] IN THIS MATTER AND ADVISE ATLANTA.

ATLANTA AT FULTON COUNTY AIRPORT. WILL, UPON ADVICE OF
MEMPHIS, OBTAIN ABOVE-DESCRIBED EVIDENCE AND FORWARD TO FBI
LABORATORY.

THIS CASE BEING AFFORDED CONTINUOUS AND PROMPT ATTENTION.

END

CC-McConrad

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bates *Bates*

DATE: October 29, 1971

FROM : R. J. Gallagher *RJG*

SUBJECT: NATIONAL BUSINESS AIRCRAFT
ASSOCIATION (NBAA)
AIRCRAFT HIJACKING MATTERS

1 - Mr. Rosen
1 - Mr. Bates
1 -
1 - Mr. Gallagher
1 -
1 - Mr. Felt
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Casper

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Muller _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Favel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

GEORGE MALLORY GIFFE

As recommended and approved in memorandum 10/21/71,
discussion was had with NBAA, and
 Director of Security, FAA, on 10/28/71 relative to
 of the
NBAA, was likewise in attendance.

NBAA, according to those in attendance, represents in excess of 800 companies who utilize aircraft in conjunction with their operations. Such corporations as General Motors, Dow Chemical, Chesapeake and Ohio Railroad, Chrysler Corporation and the majority of petroleum companies are members. In addition, approximately 50 to 60 chartered services are represented by NBAA.

opened the discussion that many of his members had expressed concern over the recent incident at Jacksonville, Florida, wherein three individuals had died in connection with the hijacking of the chartered flight owned by Big Brothers Incorporated, a member of NBAA. He inquired as to the facts surrounding this incident in order that he may in turn relay same to the members of his group. was informed diplomatically but firmly that the Jacksonville incident was currently under investigation. It involved not only a pending criminal action but a civil action against the Federal Government amounting to a sizeable sum. Under the circumstances he was told it would be impossible and highly irregular for the FBI to comment on the situation and accordingly we would not do so. He was informed that in any hostage situation, whether it be aircraft hijacking, kidnaping or the like, the prime concern of the FBI always has been, is now and will be the safety of those innocent persons involved. Both after

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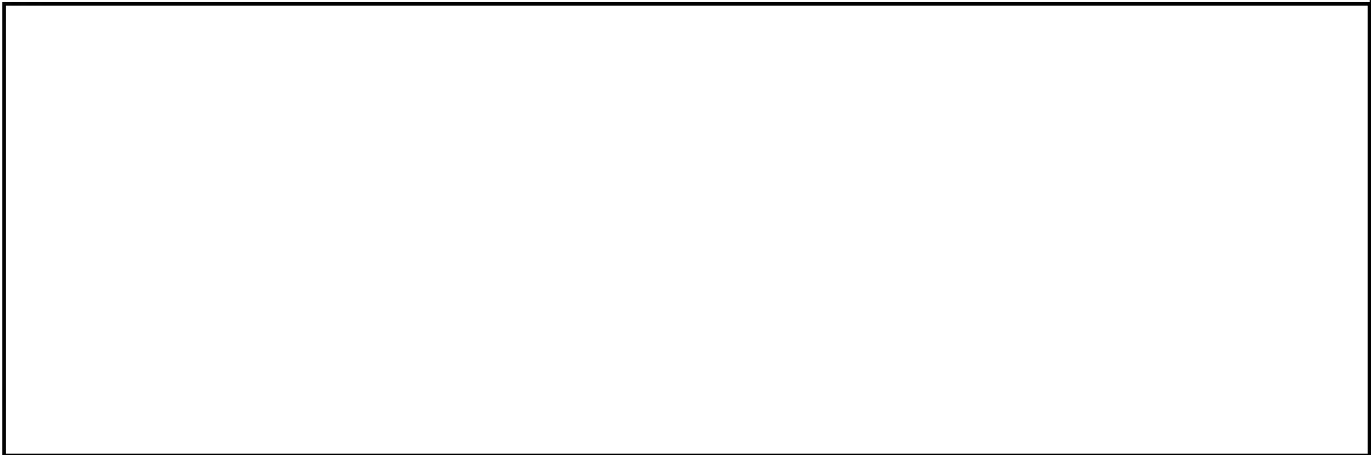
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164-2042-
NOT RECORDED
CONTINUED OVER
150 NOV 17 1971

Memorandum to Mr. Bates
RE: NATIONAL BUSINESS AIRCRAFT
ASSOCIATION (NBAA)

due reflection, indicated they understood the position of the FBI and the Federal Government and did not pursue the matter further. They both appeared to be completely reassured by the statement relative to the FBI's concern for the safety of passengers and crew.

Referral/Consult



While NBAA representatives acknowledged they had not been targeted by hijackers to any great extent thus far, they did voice apprehension over the fact that their membership, being among the largest corporations in the United States, could clearly be identified and associated with the so called "establishment" by extremists groups and could logically be singled out as targets for acts of violence. At the conclusion of the discussion both NBAA representatives appeared to have a much more comprehensive understanding of the problems involving aircraft hijacking insofar as the Federal Government was concerned. They pledged their complete cooperation to both the FBI and the FAA in all endeavors relating to this topic.

Referral/Consult

ACTION:



AS

1-2007 012
1-2007 012
1-2007 012

R
RJR
AS
JH

"TREAT AS ORIGINAL"

FD-36 (Rev. 5-22-64)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 27 1971

TELETYPE

FBI

Date: 11/27/71

PLAINTEXT

Transmit the following in _____
(Type in plaintext or code)

Via **FACSIMILE**
TELETYPE

URGENT

(Priority)

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (164-2042)
ATLANTA (164-241)
MEMPHIS (164-76)
OKLAHOMA CITY (164-54)

FROM: JACKSONVILLE (164-103)(P)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL;
CAA-HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING
CONCEALED WEAPON; KIDNAPING; FTCA. OO:JK.

RE ATLANTA TEL, NOVEMBER TWENTY-SIX LAST.

INITIAL REQUEST OF USA JACKSONVILLE WAS TO OBTAIN
LEFT WINDSHIELD OF AIRCRAFT FOR SUBMISSION TO FBI LABORATORY
FOR EXAMINATION. THIS EXAMINATION TO DETERMINE POINT OF
ENTRY AND EXIT OF TWO BULLETS FIRED THROUGH WINDSHIELD
ON OCTOBER FOUR LAST. JACKSONVILLE HAS PLEXIGLASS FRAGMENTS
OBTAINED FROM AIRCRAFT ON OCTOBER FOUR LAST AND WILL SUBMIT
SAME TO LABORATORY FOR COMPARISON WITH WINDSHIELD UPON
SUBMISSION BY ATLANTA.

REC- 36

17 DEC 1 1971

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16 DEC 6 1971

164-2042-253

JK 154-103

PAGE TWO

ENGINE COWL FOR RIGHT ENGINE OF AIRCRAFT HAS TWO BULLET HOLES RESULTING FROM BUAGENTS FIRING INTO ENGINE. NO QUESTION EXISTS ON THIS ITEM AS FIRED BULLETS WERE SPENT IN ENGINE.

ATLANTA, WHEN PERMISSION RECEIVED FROM BBA ATTORNEY, EXAMINE RIGHT RUBBER BOOT FOR UNUSUAL MARKS OR DISFIGUREMENT AND WILL TELEPHONICALLY CONTACT JACKSONVILLE PRIOR TO ACCEPTANCE OF THIS ITEM AS EVIDENCE.

FOR INFO MEMPHIS, REASON FOR USA'S DESIRE TO OBTAIN LEFT WINDSHIELD OF AIRCRAFT IS TO HAVE FBI LABORATORY MAKE EXAMINATION FOR POSITIVE DETERMINATION AS TO PATH OF ENTRY AND EXIT OF BULLETS FIRED THROUGH WINDSHIELD ON OCTOBER FOUR LAST. THIS FACT SHOULD BE FURNISHED TO NASHVILLE AGENTS CONTACTING BBA ATTORNEY [] AND DISCUSSION WITH [] SHOULD BE LIMITED IN SCOPE TO PRECLUDE [] POSSIBLE DISCLOSURE OF ERRONEOUS FACTS TO NEWS MEDIA.

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b7c

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

★ U. S. GOVERNMENT PRINTING OFFICE: 1971 - 212-122

FBI

Date: 11/27/71

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

JK 164-103

PAGE THREE

ATLANTA CONTACTS WITH OWNER OR EMPLOYEES OF BBA SHOULD
DEAL ONLY WITH THE OBTAINING OF ABOVE ITEM AND NO COMMENTS
SHOULD BE MADE CONCERNING OTHER PHASES OF THIS MATTER IN
ACCORDANCE WITH EXISTING USDC ORDER ISSUED AT JACKSONVILLE.

cc - Mr. Conrad

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 30 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	<u>B-T</u>
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Kelly
Dr. H.

NR009 JK PLAIN

8:58 PM NITEL 11-30-71 MHM

✓ TO DIRECTOR (164-2042)

✓ ATLANTA (164-241)

✓ MEMPHIS (164-76)

FROM JACKSONVILLE (164-103) 2P

GEORGE MALLORY GIFFE, JR., AKA. (DECEASED); ET AL; CAA-HIJACKING,
ETC., OO JK.

RE MEMPHIS TEL NOV. NINETEEN LAST, AND JACKSONVILLE TELCALLS TO
ATLANTA THIS DATE.

ON THIS DATE, CONTACT WAS MADE WITH USA'S OFFICE, JACKSONVILLE,
AND ENTIRE MATTER CONCERNING PROCESS FOR OBTAINING AIRCRAFT WINDSHIELD
FROM AIRCRAFT, ATLANTA, GA., WAS REVIEWED. BASED ON INFORMATION
FURNISHED BY FAA, ATLANTA, THIS DATE, THAT THE PUNCTURED WINDSHIELD
HAD ALREADY BEEN REPLACED IN THE HIJACKED AIRCRAFT AND THAT THE
SPECIFIC LOCATION OF THE PUNCTURED WINDSHIELD WAS NOT KNOWN AT THIS
TIME, IT WAS RESOLVED THAT THE SEEKING OF A SEARCH WARRANT AT ATLANTA
WOULD NOT BE UNDERTAKEN. EX-100 REC-83 164-2042-254
TO DEC 1 1971

BOTH USA'S OFFICE AND JACKSONVILLE FEEL THAT THE PREPARATION OF
AN ADEQUATE AFFIDAVIT BY THE JACKSONVILLE CASE AGENT, HIS SUBSEQUENT
REQUIRED TRAVEL TO ATLANTA TO PRESENT AFFIDAVIT TO U. S. MAGISTRATE,
END PAGE ONE

51 DEC 7 1971

PAGE TWO

AND THE POSSIBILITY THAT THE EXECUTION OF THE SEARCH WARRANT AT THE BBA FACILITY IN ATLANTA MIGHT RESULT IN NEGATIVE RESULTS, IS NOT JUSTIFIED AT THIS TIME.

ADEQUATE INFORMATION HAS ALREADY BEEN OBTAINED CONCERNING THE PUNCTURE HOLES IN THE WINDSHIELD OF THIS AIRCRAFT TO COVER ANY POSSIBLE QUESTIONS WHICH COULD ARISE DURING THE PENDING CRIMINAL TRIAL.

IT WAS FURTHER CONSIDERED THAT IF THE EXECUTION OF THE SEARCH WARRANT AT ATLANTA HAD NEGATIVE RESULTS, THE INVESTIGATION WOULD NECESSARILY HAVE TO CONTINUE TO LOCATE THIS ITEM AND THESE ACTIONS MIGHT PROVIDE FURTHER PROVOCATION FOR PLAINTIFF'S ATTORNEY TO MAKE UNFOUNDED AND INCORRECT STATEMENTS TO NEWS MEDIA AS HE HAS IN THE PAST.

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UACB, NO FURTHER ACTION BEING TAKEN TO SECURE PUNCTURED WINDSHIELD.

END

ACK FOR NR006 & 009

BJM FBI WASH DC

F B I

Date: 12/3/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, MEMPHIS (164-76) (P)

SUBJECT: GEORGE MALLORY GIFFE, JR., aka (DECEASED);
ET AL
CAA - HIJACKING, INTIMIDATION OF
CREW MEMBERS, CARRYING A CONCEALED
WEAPON; KIDNAPING; FTCA

(OO: JACKSONVILLE)

Re Jacksonville teletype to Bureau and Memphis, 12/2/71.

The following certified copies of documents were
forwarded under separate cover via registered mail by the
Nashville RA, Memphis, Division, on 12/3/71, to Jacksonville
Division.

1. Motion filed U. S. District Court, MDT,
Nashville, 10/12/71, by subject []
to intervene.
2. Order USDC, MDT, Nashville, filed 10/12/71,
denying motion of subject [] to
intervene.
3. Order, USDC, MDT, Nashville, filed 11/3/71.
4. Order, USDC, MDT, Nashville, filed 11/11/71.

EX-101

REC-30 / 64-2042-255

② - Bureau
2 - Jacksonville (164-103)
2 - Memphis

8 DEC 6 1971

54 DEC 9 1971
RAY 4117 rap
(6)

Approved: QNB
Special Agent in Charge

Sent _____ M Per _____

ME 164-76

The above documents were forwarded pursuant to request in referenced Jacksonville teletype.

USA CHARLES ANDERSON, MDT, 12/3/71, advised he has received no information to date to indicate when USDJ FRANK GRAY, JR. will rule on whether FBI and FAA personnel will be ordered to answer proposed interrogatories submitted 11/24/71 by petitioners in civil actions this case.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 2 1971

mxw
TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	b6
Miss Gandy	b7C

NR004 JK PLAIN

4:10PM URGENT 12/2/71 TLF

TO DIRECTOR (164-2042)

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103)

GEORGE MALLORY GIFFE, JR., AKA PAREN^① DECEASED PAREN; ETAL. CAA
DASH HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED
WEAPON; KIDNAPING; FTCA. OO: JK.

ON INSTANT DATE, USA, JACKSONVILLE, REQUESTED THAT MEMPHIS AT
NASHVILLE OBTAIN CERTIFIED COPIES OF THE FOLLOWING DOCUMENTS FILED
IN USDC, NASHVILLE DIVISION:

ONE, MOTION OF SUBJECT [REDACTED] TO INTERVENE IN CIVIL
SUIT NUMBER SIX THREE TWO TWO, FILED BY [REDACTED] ATTORNEY ON
OCTOBER TWELVE, SEVENTYONE.

TWO, ORDER ISSUED BY USDJ FRANK GRAY, JR., AT NASHVILLE, ON
OCTOBER TWELVE, SEVENTYONE, DENYING MOTION TO INTERVENE MADE BY [REDACTED]

THREE, ORDER ENTERED BY USDJ FRANK GRAY, JR., MAKING PUBLIC
TAPES INVOLVED IN THIS MATTER AND ENTERED BY JUDGE GRAY ON
NOVEMBER ELEVEN, SEVENTYONE.

END PAGE ONE

38
61 DEC 10 1971
F 466

8 DEC 8 '71

6-124

JK 164-103

PAGE TWO

USA ADVISED THAT HEARING ON MOTION FOR CHANGE OF VENUE IS TO BE HELD AT FOUR PM, DEC. FOURTEEN, NEXT, BEFORE USDJ TJOFLAT AT JACKSONVILLE.

USA REQUIRES ABOVE CERTIFIED COPIES AS SOON AS POSSIBLE AS THEY WILL FORM PARTIAL BASIS FOR GOVERNMENT ARGUMENT AGAINST PRODUCTION OF MATERIAL REQUESTED BY [REDACTED] ATTORNEYS IN ADDITIONAL MOTIONS FILED.

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b7C

MEMPHIS AT NASHVILLE WILL EXPEDITE HANDLING OF ABOVE REQUEST AND WILL SEND CERTIFIED COPIES TO JACKSONVILLE AS SOON AS OBTAINED.

END

DRL FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 1 1971

TELETYPE

NR007 JK PLAIN

6:42 PM NITEL 12/1/71 TLF

TO DIRECTOR (164-2042)

ATLANTA (164-241)

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103) (P) 2P

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Pond	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walte	b6 -
Mr. Soyars	b7C -
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

GEORGE MALLORY GIFFE, JR., AKA PAREN DECEASED PAREN; ET AL; CAA DASH
HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED WEAPON;
KIDNAPING; FTCA, OO: JACKSONVILLE.

ON NOVEMBER THIRTY, LAST, MOTIONS FOR CHANGE OF VENUE AND DIS-
MISSAL OF FGJ INDICTMENT RE [REDACTED] FILED BY ATTORNEYS
FOR [REDACTED] IN OFFICE OF CLERK, USDC, JACKSONVILLE, COPIES OF MOTIONS
AND AFFIDAVITS SUPPORTING THESE MOTIONS HAVE BEEN OBTAINED AND ARE
BEING REPRODUCED FOR SUBMISSION TO BUREAU AND MEMPHIS BY AIRTEL.

CONTACT WITH USA, JACKSONVILLE, THIS DATE, DETERMINED THAT
TENTATIVE DATE FOR HEARING ON MOTION FOR CHANGE OF VENUE IN
CRIMINAL MATTER SET FOR DECEMBER THIRTEEN, NEXT, BEFORE USDJ TJOFLEAT
AT JACKSONVILLE. USA'S OFFICE HAS REVIEWED MOTION FOR CHANGE OF VENUE
AND BASED ON RESEARCH CONDUCTED, IT IS FELT THAT GOVERNMENT SHOULD BE
ABLE TO PRESENT SUFFICIENT ARGUMENT AT HEARING TO RETAIN CRIMINAL
CASE IN JACKSONVILLE USDC.

END PAGE ONE

61 DEC 10 1971

F-466

REC-32

164-2042-257

DEC 8 1971

JK 164-103

PAGE TWO

USA'S OFFICE, JACKSONVILLE, INTENDS TO PURSUE CHANGE OF VENUE MOTION FIRST AND THEN, IF VENUE REMAINS AT JACKSONVILLE, MOTIONS FOR DISMISSAL OF FGJ INDICTMENT WILL BE HANDLED.

FOR INFORMATION OF ATLANTA, MEMPHIS HAS FORWARDED LIST OF QUESTIONS DIRECTED TO FAA AND FBI EMPLOYEES BY ATTORNEYS FOR BBA AND OTHER PLAINTIFFS. JACKSONVILLE IS PREPARING COPY OF THESE QUESTIONS TO BE FORWARDED TO ATLANTA. PER INSTRUCTIONS OF USA, JACKSONVILLE, COPY OF QUESTIONS ARE TO BE FURNISHED TO [REDACTED] FAA ATTORNEY, SOUTHERN REGIONAL OFFICE, ATLANTA, SO THAT HIS OFFICE IS AWARE OF COMPLETE CONTENTS.

b6
b7C

BUREAU AND MEMPHIS WILL BE PROMPTLY ADVISED OF ALL SIGNIFICANT DEVELOPMENTS IN THIS MATTER.

END

F B I

Date: 12/2/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, JACKSONVILLE (164-103) (P)

SUBJECT: GEORGE MALLORY GIFFE, JR., aka (Deceased)
ET AL
 CAA - HIJACKING, INTIMIDATION OF CREW
 MEMBERS, CARRYING A CONCEALED WEAPON;
 KIDNAPING; FTCA
 (OO:JK)

Re Jacksonville teletype, 12/1/71.

Enclosed for the Bureau and Memphis are copies of
 the following documents filed by attorneys for [REDACTED]
 at Jacksonville, Florida, on 11/30/71:

1. Notice re filing of Discovery Motions.
2. Motion for Bill of Particulars
3. Motion for order permitting and directing interview of FBI agents
4. Motion for production of Federal Grand Jury minutes and witness statements
5. Motion for list of witnesses
6. Motion to inspect and copy or photograph documents
7. Motion for transfer
8. Affidavit in support of motion for transfer
9. Memorandum in support of motion for transfer
10. Affidavit of [REDACTED]
11. Motion to dismiss indictment
12. Brief in support of motion to dismiss indictment

The Bureau is being forwarded two copies of above
 for possible dissemination of complete set to Department.

2 - Bureau (Enc. 24)
 2 - Memphis (164-76) (Enc. 12) (RM) SI-103
 2 - Jacksonville

FAB-fmr (6)

Approved: [Signature]

58 DEC 13 1971

Special Agent in Charge

Sent _____ M Per _____

b6
b7c

ENCLOSURE

BEHIND FILE

REC-14 164-2042-258

3 DEC 4 1971

1 cc ea encl
 to [REDACTED]
 [Signature]
 12/7/71

ST-110

REC-60

164-2042-259

December 2, 1971

Honorable William E. Brock III
United States Senate
Washington, D. C. 20510

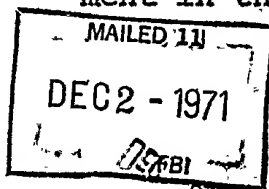
My dear Senator:

Your communication to the Attorney General
enclosing a copy of a letter signed by Chief Pilot
[redacted] and others was referred to this Bureau
and received on November 29th.

b6
b7C

While I would like to respond to the points
they raised, the matter involving the hijacking of a
chartered aircraft to Jacksonville, Florida, on Octo-
ber 4th is currently the subject of court action. On
November 1st U. S. District Judge Gerald B. Tjoflat,
Middle District of Florida, Jacksonville, Florida, issued
an order prohibiting all Government Agents and employees,
including the FBI, from making any statements regarding
the events set out in and surrounding the criminal indict-
ment in this case.

ST-110



As you requested, I am returning your enclosure.

Sincerely yours,
J. Edgar Hoover

Enclosure

1 - Mr. M. A. Jones - Enclosures (2) (detached)

NOTE: Bufiles reflect cordial relations with Senator Brock
and show no record of [redacted]

JJH:mls (6)

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

54 DEC 16 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

1X ✓

United States Senate

REPLY ATTN: AA-2

Respectfully referred to:

HON. JOHN N. MITCHELL, ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
CONSTITUTION AVENUE AT 9TH STREET
WASHINGTON, D.C.

20530

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

Encl

DEPUTY ATTORNEY GENERAL

FEDERAL BU. OF INV.

DEPARTMENT OF JUSTICE

15/18/71: Rmc (R- Tenn.) *Bice Brock*
10 U. NOV 24 1971

R.A.O.

DEPUTY ATTORNEY GENERAL

FEDERAL BU. OF INV.

Form #2 259

Paul

GEORGE M. GIFFE

WHS

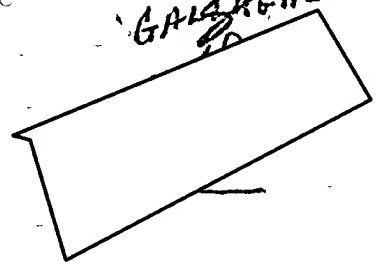
Mr. Tolson ✓
Mr. Felt ✓
Mr. Rosen ✓
Mr. Mohr ✓
Mr. Bishop ✓
Mr. Miller, E.S. ✓
Mr. Callahan ✓
Mr. Casper ✓
Mr. Conrad ✓
Mr. Dalbey ✓
Mr. Cleveland ✓
Mr. Ponder ✓
Mr. Tavel ✓
Mr. Walters ✓
Mr. Soyars ✓
Tele. Room ✓
Miss Holmes ✓
Miss Gandy ✓

Mr. DeFeldt *Gene*

SD

b6
b7C

GALLAGHER



ST-110

REC-60 164 2042-259

16 DEC 7 1971

*ack/mml
12-271
JJA/mls*

Mm
ENCLOSURE

8/5517
REPS. REC. UNIT

NOV 15 1971



Consolidated Aluminum Corporation

Florence, Alabama 35630

A member of the ALUSUISSE
(Swiss Aluminium Ltd.) Group

November 10, 1971

BC

The Honorable William Brock
304 Old Senate Office Building
Washington, D. C. 20510

Dear Senator Brock:

We, the undersigned, being active members of the general aviation community, would like to say that we are opposed to the FBI's method of handling the hi-jacking of Big Brothers Turbo Commander N9058N to Jacksonville on October 4, 1971. Being pilots and concerned citizens, we feel that lives were lost that possibly could have been saved.

Let's face it, if the aircraft involved had been a commercial carrier with a loss of life, every politician in our country would be down on the FBI. Just how large an aircraft or how many lives must be lost to consider a human being's safety first?

We sincerely hope that you, as our elected official, will see that this situation is treated fairly and honestly and that everything possible is done to see that it will not happen again.

Very truly yours,

FLIGHT DEPARTMENT
CONSOLIDATED ALUMINUM CORPORATION

[Redacted signature box]

[Redacted signature box] Chief Pilot

[Redacted signature box]

[Redacted signature box]

b6
b7C

CONSOLIDATED
ALUMINUM CORP.
FLORENCE, ALA

164-2042-259
ENCLOSURE

EX-101
REC-60 164-2042-260

December 8, 1971

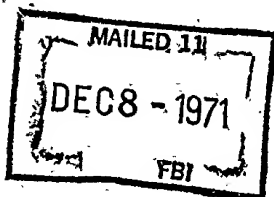
[Redacted]
Islip, New York 11751

Dear [Redacted]

I readily understand the reasons which prompted your letter of November 29th and, while I would like to respond to the points you raised, the matter involving the hijacking of a chartered aircraft to Jacksonville, Florida, on October 4th is currently the subject of court action. On November 1st U. S. District Judge Gerald B. Tjoflat, Middle District of Florida, Jacksonville, Florida, issued an order prohibiting all Government Agents and employees, including the FBI, from making any statements regarding the events set out in and surrounding the criminal indictment in this case to any persons not associated with the Federal Government.

Sincerely yours,

J. Edgar Hoover



- 1 - New York - Enclosure
- 1 - Jacksonville, Enclosure

NOTE: Bufiles contain no references to [Redacted]

JWD:jkm (5)

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Asper _____
Conrad _____
Malby _____
Cleveland _____
Under _____
Gates _____
Ravel _____
Holtz _____
Wyers _____
Tele. Room _____
Ingram _____
Gandy _____

57 DEC 15 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

b6
b7C

Handwritten signatures and initials:
Fug
TEB/H...
Jen mor
Jed

DA

per 7

Mr. Tolson _____
Mr. Felt _____
Mr. Rosen _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Miller, ES _____
Mr. Callahan _____
Mr. Casper _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Cleveland _____
Mr. Ponder _____
Mr. Bates _____
Mr. Tavel _____
Mr. Walters _____
Mr. Soyars ^{b6} _____
Tele. Room ^{b7C} _____
Miss Holmes _____
Miss Gandy _____

Islip, New York 11751
November 29, 1971

George Mallery Giffie, Jr.

Dear Mr. Hoover,

As a concerned young student, I would like to take this time to question your means in regard to hijacking. I have always thought that a human being is more valuable than any inanimate object. Your views obviously differ. I am referring to the case where one hijacker, his wife, and a pilot were all killed. The F.B.I. were called in to help and the results were a disaster. The plane had to come down for fuel but the F.B.I. would not let them. Instead, when the plane landed the department went in. My question is, now looking back on the incident could anything have been done, where three lives could have been saved and one plane returned.

I am criticizing your ways but it is only being done out of a feeling of concern and responsibility.

Yours truly,

Wainfeldt

Mr

EXP. PROC.

40 DEC 3 1971

34

EX-101

REC-60 164-2042-260

20 DEC 8 1971

CORRESPONDENCE

Adm. 12-8-71 JWD/jem

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 10 1971 *gfb*

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____ b6
Mr. Room	_____ b7C
Mr. Holmes	_____
Mr. Gandy	_____

NR009 JK PLAIN
6:58 PM URGENT (164-103)
TO DIRECTOR (164-2042)
gfb MEMPHIS (164-76)
FROM JACKSONVILLE (164-103)

Also Known As
GEORGE MALLORY GIFFE, JR., AKA PAREN DECEASED PAREN;
Crime Aboard Aircraft
 AKA; ETAL. SAA DASH HIJACKING, INTIMIDATION OF CREW
Federal Tort Claims Act
MEMBERS, CARRYING A CONCEALED WEAPON; KIDNAPING; FTCA, 100,
Office of Origin:
JACKSONVILLE.

December
ON THE LATE MORNING OF DEC. TEN, INSTANT, DEPARTMENTAL ATTORNEY
 U.S. Attorney
CIVIL DIVISION, TELEPHONICALLY CONTACTED USA JOHN
BRIGGS, JACKSONVILLE, AND ADVISED HIM THAT IT WOULD BE NECESSARY
Federal Aviation Administration
FOR FBI PERSONNEL AND FAA PERSONNEL TO PREPARE ANSWERS TO THE INTER-
ROGATORIES SUBMITTED BY PLAINTIFFS' ATTORNEYS IN NASHVILLE IN ACCOR-
November
DANCE WITH COURT ORDER OF NOV. ELEVEN, LAST.

ADVISED THAT HE HAD BEEN UNDER IMPRESSION THAT
GOVERNMENT HAD UNTIL DEC. TWENTYTWO, NEXT, TO FILE REBUTTAL TO
QUESTIONS SUBMITTED BY PLAINTIFFS. HOWEVER, USA ANDERSON, NASHVILLE,
U.S. District Judge
DETERMINED THAT USDJ GRAY EXPECTED GOVERNMENT'S ANSWER BY DECEMBER
ELEVEN, NEXT. USA ANDERSON INTERCEDED WITH JUDGE GRAY AND SECURED
DELAY
RELAY IN SUBMISSION OF GOVERNMENT'S ANSWERS UNTIL DEC. SEVENTEEN, NEXT.

END PAGE ONE
54 DEC 16 1971

18 DEC 13 1971

B
6-12

[] FURTHER INDICATED THAT USA ANDERSON ALLEGEDLY HAD
FORWARDED LIST OF QUESTIONS TO DEPARTMENT ON OR ABOUT DEC. FOUR, LAST,
BUT NEVER RECEIVED. RESUBMISSION WAS MADE BY USA ANDERSON, AND

b6
b7C

[] IN RECEIPT OF QUESTIONS ON OR ABOUT DEC. SEVEN, LAST.

[] DURING CONVERSATION WITH USA BRIGGS STATED THAT
ANSWERS TO QUESTIONS WERE NOT TO BE MADE PART OF GOVERNMENT'S
REBUTTAL; HOWEVER, [] NEEDED THESE ANSWERS TO FORM CAUSE FOR
SUCH REBUTTAL.

[] INDICATED THAT HE WAS MAKING FORMAL REQUEST TO BUREAU
THIS DATE FOR SUBMISSION OF ANSWERS TO QUESTIONS BY BUREAU
PERSONNEL INVOLVED BY FIVE PM, TUESDAY, DECEMBER FOURTEEN, NEXT.

USA BRIGGS IN SUBSEQUENT TELCALL TO [] INDICATED HE OBJECTED
TO REQUEST BASED ON EXTREMELY SHORT TIME PERIOD FOR PREPARATION.
QUESTION WAS RAISED BY USA BRIGGS AS TO WHETHER ANSWERS TO QUESTIONS
WERE NECESSARY INASMUCH AS DEPARTMENT SHOULD HAVE REPORTS CONTAINING
THREE ZERO TWOS PREPARED BY PARTICIPATING AGENTS AT THEIR DISPOSAL.
IT WAS FELT THAT THESE WOULD BE SUFFICIENT TO REBUT THE ANSWERING OF
QUESTIONS AS PROPOSED BY PLAINTIFFS.

[] STATED THAT THE ANSWERS TO THE QUESTIONS SHOULD BE
PREPARED NONETHELESS, AND THAT HE REQUEST FOR SUBMISSION BY THE
EVENING OF DEC. FOURTEEN, NEXT, BE MET. HE ALSO, IN AGREEMENT
WITH USA BRIGGS, HAS REQUESTED THAT ^{Assistant U.S. Attorney} ~~AUSA~~ [] JACK-
SONVILLE, BE PREPARED TO BE IN WASHINGTON EVENING OF DEC. FOURTEEN,
END PGE TWO

JK 164-103

PAGE THREE

NEXT, FOR CONFERENCE ON DEC. FIFTEEN, NEXT, WITH TO
REVIEW THIS MATTER.

b6
b7C

FAA IS COORDINATING THE SUBMISSION OF THEIR PORTION OF THE
ANSWERS, AND USA'S OFFICE, JACKSONVILLE, HAS FURNISHED COPIES OF
QUESTIONS TO BOTH FAA FACILITIES AT HILLIARD, ^{Florida,} ~~FLA.~~, AND JACKSONVILLE,
FLA., AS FAA UNABLE TO FURNISH COPIES TO THESE FACILITIES IN SUFFICIENT
TIME.

END

EJF FBI WASH DC

NRO1 ME PLAIN

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

250PM URGENT 12-11-71 LLH

DEC 11 1971

TO DIRECTOR (164-2042)

TELETYPE

FROM MEMPHIS (164-76) (2P)

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Bond	_____
Mr. Bates	_____
Mr. Walters	_____
Mr. Soyars	b6
Tele. Room	b7C
Miss Holmes	_____
Miss Gandy	_____

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); [REDACTED]

[REDACTED] AKA; ET AL; CAA - HIJACKING, INTIMIDATION OF CREW
MEMBERS, CARRYING A CONCEALED WEAPON V KIDNAPING; FTCA
OO: JACKSONVILLE.

CALL CENTER
MB

RE BUREAU TELEPHONE CALL, MEMPHIS, DEC. ELEVEN, INSTANT;
JACKSONVILLE TELEPHONE CALL TO MEMPHIS, DEC. TEN, LAST.

PURSUANT TO INSTRUCTIONS RECEIVED IN REFERENCED
CALLS TO MEMPHIS DIVISION, FOUR COPIES OF AN LHM SET FORTH
ANSWERS OF SA [REDACTED] MEMPHIS DIVISION, IN REPLY
TO INTERROGATORIES SUBMITTED IN ACCORDANCE WITH COURT ORDER
OF NOV. ELEVEN, LAST, USDC, MDT, NASHVILLE, WERE PLACED IN
THE CUSTODY OF [REDACTED] AMERICAN AIRLINES PILOT, AT
MEMPHIS, TENN. THIS DATE.

EX-112

REC-1864-2042-262

PARCEL CONTAINING LHM'S PERSONALLY GIVEN TO [REDACTED]

[REDACTED] AMERICAN AIRLINES FLIGHT NUMBER TWO THREE TWO,
SCHEDULED DEPARTURE AT MEMPHIS THREE THIRTY P.M., WITH
EXPECTED ARRIVAL WASHINGTON NATIONAL AIRPORT SEVEN ZERO TWO
END PAGE ONE

16 DEC 13 1971

58 DEC 17 1971

ec- [REDACTED]

ME 164-76

PAGE TWO

P.M. THIS DATE.

WFO: INSURE THAT SPECIAL AGENT MEETS AMERICAN AIRLINES
FLIGHT TWO THREE TWO AT WASHINGTON NATIONAL AIRPORT AND
DELIVER PARCEL TO ROOM FIVE SEVEN ONE ZERO AND PARCEL MARKED
ATTENTION P
END

b6
b7C

HOLD FOR ANOTHER MESS

12/10/71

fb
AIRTEL

TO: SAC, JACKSONVILLE (164-103)
FROM: SAC, MEMPHIS (164-76) (P)
SUBJECT: GEORGE KALLORY GIFFE, JR., aka (DECEASED);
[REDACTED]
SUSAN LAKICH GIFFE, aka - VICTIM (DECEASED);
BRENT QUINTON DOWNS - VICTIM (DECEASED);
[REDACTED] VICTIM
CAA - HIJACKING; INTIMIDATION OF CREW MEMBERS;
CARRYING A CONCEALED WEAPON;
KIDNAPING; FTCA

b6
b7C

(OO Jacksonville)

ReJktelcall to Memphis, 12/10/71.

Enclosed for the Jacksonville Division is one copy of each original FD 302 reflecting investigation conducted by the Memphis Division to date.

The Above FD 302's are forwarded herewith pursuant to request in reftelcall.

2 - Jacksonville (Encs. 159)
② - Bureau (164-2042)
2 - Memphis
RAH:mrp
(6)

164-2042-
NOTED
20

51 DEC 17 1971 1354

DEC

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 14 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR005 ME PLAIN

11:18 PM NITEL 12-13-71 DMB

TO DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED);

AKA; ET AL; CAA - HIJACKING, INTIMIDATION OF CREW

MEMBERS, CARRYING A CONCEALED WEAPON; KIDNAPING ; FTCA. OO* (C.

REMYAIRTEL TO DIRECTOR DECEMBER ELEVEN LAST AND ENCLOSED

LHM AND MYLET TO JACKSONVILLE DATED APRIL ONE LAST CAPTIONED

MISCELLANEOUS - INFORMATION CONCERNING."

b7D

b6
b7C
b7D

REC- 34 164-2042-263

END PAGE ONE

61 DEC 17 1971

December 10, 1971

EX-101

REC-48

164-2042 - 264

Honorable Alan Cranston
United States Senate
Washington, D. C. 20510

My dear Senator:

On December 8th I received your communication forwarding a copy of a letter and related material from [redacted] of Artesia, California.

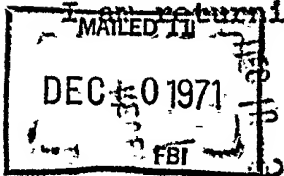
b6
b7C

I regret that [redacted] has chosen to interpret a legitimate court order issued by a United States District Judge to be no more than a "gag" order. The reasons for such instructions by the court should be self-evident; that is, to prevent undue publicity and possible prejudgment prior to the matter having had its proper arguments presented in all aspects before the court.

I shall abide by the Judge's order in this instance and will not comment further on the matter involving the hijacking of this aircraft to Jacksonville, Florida. As you requested, I am returning your enclosures.

Sincerely yours,

J. Edgar Hoover



Enclosures (3)

1 - Los Angeles - Enclosures (2)

Attention SAC: You have already received copies of letter dated 10-30-71 from [redacted] and Bulet 11-4-71 in reply.

1 - Mr. M. A. Jones - Enclosures (4) (detached)

NOTE: Bufiles disclose prior cordial correspondence with Senator Cranston. [redacted] enclosed copy of his 10-30-71 letter and the Director's reply which were not retained for file with this communication.

JBT:sel (7)

55 DEC 21 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

ALAN CRANSTON
CALIFORNIA

United States Senate

WASHINGTON, D.C. 20510

December 3, 1971

Congressional Liaison Office
FBI
Department of Justice
To: Washington, D.C.

Georgi M. Giff

Enclosure from: ✓

Artesia, California
90701

Re:

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure, will be appreciated.

Sincerely

EX-101

Alan Cranston
Alan Cranston

(D-CAL.)

REC-48

164-2042-264

DEC 8 1971

CORRESPONDENCE

Ack/mml
12-10-71
JBT:sel

Addressed to Sen. Cranston
may be returned to Mrs. E. McCoy
(on your envelope only, please)

ENCLOSURE

mml (2)

November 25, 1971.

Senator Alan Cranston
Senate Building, Washington, D. C.

Dear Senator Cranston,

I am writing this letter to enlist your help in getting answers and hopefully action from certain governmental agencies which seem to have forgotten that they serve the people and not the other way around. Attached securely please find copies of letters I have written and the responses I have received.

Subject to the internal revenue service, I have only one question, and that is since when is tax supported agency business, and action or its lack, secret and kept from a taxpayer paying the bill?

[redacted] letter from the FCC, was the sole document in the envelope, and I question that a regulatory agency should busy itself about regulating, or is that faulty logic?

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b7C

Mr. Hoover's letter is dodging the issue, by hiding behind a judge's "gag" order. If he cannot respond to specifics I can see no reason why he could not respond in generalities, and advise usual governing policies of the bureau, and its designated responsibilities.

In closing I thank you in advance for any and all consideration and cooperation in these matters.

Sincerely yours,

[redacted]
Artesia, California
90701.

cc / file.

*Orig returned to
Senator Cranston
12-10-71
JBT:sel*

164-2042-264
ENCLOSURE

1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Gallagher

December 14, 1971

1 - [redacted]
1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Dalbey

The Attorney General

EX-112 DEC-51/64-2042-265
Director, FBI

[redacted] et al.
v. UNITED STATES, UNITED STATES
DISTRICT COURT, MIDDLE DISTRICT
OF TENNESSEE
CIVIL SUIT

Your attention is invited to a series of letters with reference to captioned matter, the last being on December 10, 1971, your file 157-71-148, concerning the October 4, 1971, hijacking of an aircraft by George M. Giffe, Jr., and [redacted] Giffe is deceased, and [redacted] has been charged with a violation of the Federal Kidnaping Statute in U. S. District Court, Jacksonville, Florida. A civil suit has been filed in U. S. District Court, Nashville, Tennessee, arising out of this incident.

For your information, the U. S. District Judge at Jacksonville has expressed concern over the handling of the civil matter at Nashville feeling that there has been a mingling of the criminal proceedings and the civil suit. He has expressed the belief that the Department should make a more vigorous effort to preserve the criminal matter as this is of prime importance at this time.

By letter dated December 10, 1971, the Assistant Attorney General, Civil Division, has requested responses to interrogatories from certain personnel of our Memphis and Jacksonville Offices to reach his office no later than 5:00 p.m., December 14, 1971. We are making every effort to meet this deadline.

As indicated above, criminal charges have been filed in connection with this matter, and it is felt that successful

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holloman _____
Gandy _____

JFH:bkc

(12)

SEE NOTE PAGE TWO

TELETYPE UNIT ☐

The Attorney General

prosecution will be jeopardized if action in the civil suit is not stayed until completion of the criminal prosecution.

You are requested to advise what action is contemplated to insure that successful prosecution in the criminal matter is not hindered by further action in the civil suit.

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Civil Division
- 1 - Acting Assistant Attorney General
Criminal Division

NOTE: This concerns the hijacking of a chartered aircraft from Nashville, Tennessee, to Jacksonville, Florida, October 4, 1971. Survivors of the deceased persons in the hijacking and owners of the aircraft involved have filed a Federal Tort Claim against the FBI and FAA in Nashville, Tennessee. Criminal charges have been filed against remaining subject at Jacksonville. Pursuant to an order of the court at Nashville, plaintiffs have been allowed to submit interrogatories to us at Nashville and Jacksonville. The Department has requested our responses by 5:00 p.m., 12/14/71. We are advising the Attorney General that we will attempt to meet the deadline and are going on record once again advising that we feel furtherance of civil action before criminal one could jeopardize successful prosecution in the criminal case. This has been coordinated with the Office of Legal Counsel.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : L. Patrick Gray, III
Assistant Attorney General
Civil Division

SUBJECT: [redacted] et al. v.
United States, U.S.D.C. M.D. Tenn.

DEPARTMENT OF JUSTICE

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b7c

DATE: DEC 10 1971

LPG [redacted]
157-71-148

Enclosed are copies of proposed interrogatories which have been filed in the above action.

There are two sets of interrogatories. The first (1-19) pertain to the Nashville Office of the FBI. The second (1-35) pertain to the Jacksonville Field Office of the FBI.

The Court has indicated that we should respond to the interrogatories by Friday, December 17, 1971. With that end in mind, we ask that you instruct your involved personnel to prepare individual responses to the interrogatories and communicate them to [redacted] of this office by no later than 5:00 p.m. Tuesday, December 14, 1971.

Since time will not permit the use of ordinary mailing for the responses, we ask that you have each of the personnel involved or some coordinator for them in each office communicate directly with [redacted] by telephone. He may be reached on Area Code [redacted]. In the alternative, we ask that you have the responses of the individual agents teletyped to your Headquarters office and that copies of the teletypes be brought to [redacted] by the stated time.

A copy of this memorandum is being forwarded directly to the Special Agents in Charge at Jacksonville, Florida and Memphis, Tennessee and to the Resident Agent in Charge at Nashville, Tennessee. We understand each of the stated offices already has

2 ENCLOSURE

EXP. PROC.

DEC 10 1971

EX-112

REC-5

164-2042-265

DEC 16 1971

Let & AG
JFN:ake
12-14-71
6-11

in its possession a copy of the proposed interrogatories.

[redacted] has already communicated by telephone with Special Agent [redacted] in Jacksonville and Special Agent [redacted] in Memphis to advise them of the time limits involved so that they may begin immediate preparation for submitting responses.

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We intend to file further objection to the interrogatories, but answers are needed in order to coordinate specific objections to the interrogatories with the Criminal Division.

Thank you for your cooperation and assistance.

Enclosure

cc: Special Agent in Charge
Federal Bureau of Investigation
U.S. Post Office and Courthouse Bldg.
Jacksonville, Florida 32201

Special Agent in Charge
Federal Bureau of Investigation
Room 851, Federal Office Bldg.
Memphis, Tennessee 38116

Resident Agent in Charge
Federal Bureau of Investigation
Room 357, U.S. Courthouse Bldg.
P. O. Box 870
Nashville, Tennessee 37203

104-2042265

ENCLOSURE

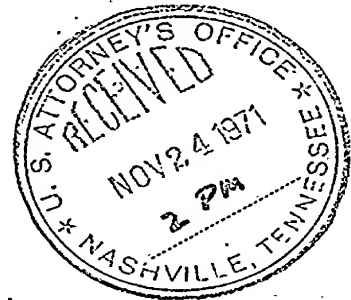
(1)

LAW OFFICES

b6
b7C

NASHVILLE, TENNESSEE 37219
TELEPHONE

November 22, 1971



The Honorable Frank Gray, Jr.
United States District Court
United States Courthouse
Nashville, Tennessee 37203

Dear Judge Gray:

Attached are our proposed questions in the
[redacted] v. United States case, Civil Action No. 6348,
submitted in accordance with your Order of
November 11, 1971. We are sending a copy of this
letter together with the proposed interrogatories
to the Honorable Charles Anderson, United States
District Attorney, and [redacted] Esquire, the
attorney with the Torts Section of the Criminal
Division of the Department of Justice, also
representing the government.

Sincerely,

GSM:bcj

Enclosures

cc: [redacted]

IN THE UNITED STATES DISTRICT COURT FOR MIDDLE TENNESSEE
Nashville Division

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Civil Action No. 6348

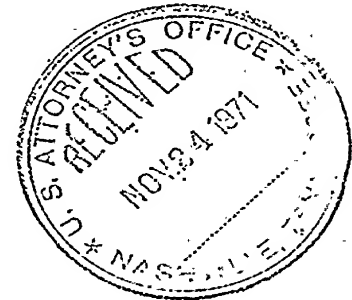
⁰ BIG BROTHER AIRCRAFT, INC., and
[redacted] Nashville
Metropolitan Airport, Nashville,
Tennessee,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.



INTERROGATORIES SUBMITTED IN ACCORDANCE WITH
COURT ORDER OF NOVEMBER 11, 1971

I. Questions to [redacted] Nashville FBI Agent.

1. When and how did you and other Nashville FBI agents whose activities you have knowledge of first learn of the hijacking of a Big Brother Aircraft, Inc., airplane on or about October 4, 1971?
2. Who so notified you and other Nashville FBI agents whose activities you have knowledge of; what was the official position or positions of persons so notifying you or other Nashville agents, and at what time?
3. What information did they give you, or other Nashville FBI agents whose activities you have knowledge of, upon first notification?
4. Upon learning of the hijacking, state in sequence and with either definite or approximate times whom you, or other Nashville FBI agents whose activities you have knowledge of, contacted, for what purpose, and what information you, or other Nashville FBI agents whose activities you have knowledge

of, learned or relayed to the persons contacted?

5. Specifically, what conversations relating in any way to the hijacking did you, or other Nashville FBI agents whose activities you have knowledge of, have with FBI personnel in Memphis, Tennessee, Chattanooga, Tennessee, Atlanta, Georgia, Jacksonville, Florida, and Washington, D. C.? Describe the content of such conversations?
6. Did you, or other Nashville FBI agents whose activities you have knowledge of, personally know Mr. Giffe or his wife, Mrs. Susan Giffe, prior to the hijacking incident?
7. If your answer is affirmative, how and under what circumstances did you, or other Nashville FBI agents whose activities you have knowledge of, know them?
8. Prior to the hijacking incident, had you, or other Nashville FBI agents whose activities you have knowledge of, ever conducted an investigation upon Mr. Giffe for any purpose, and if so, what did you, or other Nashville FBI agents, learn from that investigation?
9. What conversations, if any, by telephone or in person did you, or other Nashville FBI agents whose activities you have knowledge of, have with [redacted] regarding the hijacked plane and the presence of their daughter, Mrs. Giffe, thereon?
10. What did either [redacted] relate to you, or other Nashville FBI agents whose activities you have knowledge of, in those conversations regarding the dangerous nature or propensities of Mr. Giffe? Specifically, did either of them state to you, or other Nashville FBI agents whose activities you have knowledge of, that he was accustomed to going armed and was dangerous if cornered or crossed, or words to that effect?

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11. If your answers to the previous questions are affirmative, relate to whom you, or other Nashville FBI agents whose activities you have knowledge of, communicated this information and specifically whether or not you informed any FBI personnel or FAA personnel at any other cities toward which the plane might be headed. Did you, or other Nashville FBI agents whose activities you have knowledge of, also inform any FBI personnel in Washington, D. C.? Describe any such conversations.
12. Did you, or other Nashville FBI agents whose activities you have knowledge of, communicate to FBI personnel in Jacksonville, Florida, Atlanta, Georgia, Memphis, Tennessee, or Chattanooga, Tennessee, that the alleged hijackers of the plane were armed with handguns or otherwise?
13. To what extent and by whom were you, or other Nashville FBI agents whose activities you have knowledge of, consulted in arriving at any decision as to the manner in which the hijacked plane was to be handled and was handled in its approach to and upon its arrival at the International Airport at Jacksonville, Florida?
14. When and how did you, or other Nashville FBI agents whose activities you have knowledge of, first acquire knowledge that Mr. Giffe or someone had allegedly left suicide notes in his automobile at the Nashville airport?
15. When did you, or other Nashville FBI agents whose activities you have knowledge of, first secure possession of any such suicide notes and learn of their contents?
16. Did you, or other Nashville FBI agents whose activities you have knowledge of, secure any information about said suicide notes prior to reading them?
17. To what extent, if at all, did you, or other Nashville FBI agents whose activities you have knowledge of, communicate to FBI personnel or FAA personnel at International Airport at Jacksonville, Florida, or the Jacksonville Center, the fact

that suicide notes were allegedly found in Mr. Giffe's car?

18. Who was in charge of the Nashville activities relating to the hijacking?
19. What, if any, decisions were made or advice given by Nashville FBI agents on refueling the aircraft?

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- II. Questions to Jacksonville FBI agents and FAA employees, namely, FAA employees [redacted] and FBI agents [redacted] and any other federal employees who were present at the Jacksonville Tower at the time of the communications between it and the hijacked aircraft or at the time of radio or telephone communications among FBI agents in connection with the hijacking. (If the person answering questions is an FAA employee, substitute "FAA" for "FBI.")

1. Give a narrative description in detail of all of your activities and communications respecting the hijacking of a Big Brother Aircraft, Inc., airplane on October 4, 1971.
2. To the extent that you were aware of instructions and guidelines on October 4, 1971, state the content of any instructions or guidelines respecting the handling of air piracy or hijacking issued by officials of the FBI, the date such instructions were issued and by whom.

To the extent that your answer to Question 1 above does not provide detailed answers to the following questions, please answer these questions separately

3. State the content of any general or specific instructions, requests, or guidelines you received on October 4, 1971, from other officials, agents or employees of the United States respecting the handling of the hijacking of Hawk Commander 9058N owned by Big Brother Aircraft, Inc., by whom such communications were given to you, the location of such person, the time such communication was given, the method of communication, and the action you took as a result of such communication. (In answering this question, state whether any communication came

- originally from a person or persons other than the person who relayed the communication to you, and if so, the name, location and title of the person originating such communication.
4. Explain the motivation and reasons for any action you took or advised others to take relating to the refueling of the hijacked airplane, the firing upon the plane and the refusal to permit the plane to leave the Jacksonville airport.
 5. When and how did you first learn of the hijacking that was in progress?
 6. What time did you arrive at the Jacksonville airport?
 7. Who was in charge of the FBI operations at the airport?
 8. What FBI agents were on the scene?
 9. Who were the agents in the tower?
 10. Who were the agents in the area of the airplane?
 11. What information did you have pertaining to Mr. Giffe's being armed or his dangerous propensities and frame of mind?
 12. What other hijacking attempts have you been involved in?
 13. Were you present in the control tower when the FAA told 9058 November that their request for refueling and other handling of the plane had been complied with?
 14. Who was the agent that made the decision that there would be no fuel and that the plane would be approached or attacked?
 15. When was this decision made?
 16. Why was this decision made?
 17. What training have you had with hijacking procedures?
 18. Were you aware that hijacking signals or instructions using the airplane flaps could be displayed from the aircraft?
 19. Were any such signals given by the hijacked airplane and if so, what were they?

20. Why did you or other FBI agents decide to shoot the tires and the engine at the time you did so?
21. What, if anything, was heard from the inside of the aircraft that caused you or other FBI agents to make this decision?
22. Why did you or other FBI agents now allow the co-pilot of the aircraft to advise you what was happening inside of the aircraft after he departed the plane?
23. Why did you or other FBI agents not allow to tell you what was happening inside of the aircraft after he got out?
24. Why did you or other agents not advise 58 November before the plane landed at Jacksonville that their request would not be complied with?
25. Was any FBI agent fired at outside of the airplane? If so, explain what happened and whether this event played any part in the decision to fire upon the plane.
26. Do you or other FBI personnel have photographs of persons in the aircraft after the shooting occurred or other tangible evidence? If so, describe such photographs and tangible evidence.
27. What communications among FBI agents were there back and forth from the tower to the area of the shooting?
28. In what sequence was the right tire, left tire and the right engine shot?
29. Who cut the master switch off on the aircraft?
30. Did you take a written and signed statement from R. G. Crump after the shooting?
31. How much fuel did you or other FBI agents take out of the aircraft? Why was such fuel removed?
32. Was this hijacking treated differently than previous hijacking attempts on airlines, and, if so, why?

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33. Was there an automobile at any time parked in front of or behind 58 November before the shooting occurred? If so, explain where, when and for what purpose such automobile or automobiles were parked.
34. What did you or other FBI agents remove from the aircraft including, but not limited to, clothing, guns, beer, briefcases, metal boxes, log books, money, personal items, etc.?
35. Did you or another agent or government employee say, "They are either going to shut down their engines or we will wake up this whole damn airport," or words to that effect? If so, give the name of such person.

Additional Questions for FAA Personnel

36. Who was the controller at the Jacksonville Center who talked with 58 November?
37. Who at the Jacksonville Center passed on to Jacksonville Tower personnel the request that had been made for fuel, etc., by 58 November?
38. Were personnel at Jacksonville Center advised by personnel of Jacksonville airport that the request of 58 November would be met? If so, who gave such advice?
39. What time did FBI agents arrive at the Jacksonville Tower?
40. Give the names of any FBI agent you talked to before the airplane stopped on the taxiway and state what you said to him and he said to you.
41. What time and by whom were you advised that the request for fuel would not be met?
42. Did you tell or instruct others to tell 58 November that the fuel truck was ready and the request had been complied with? If so, why?

43. Are you familiar with FAR, Part 91.3, Responsibility and Authority of the Pilot in Command?

44. If the answer to the above question is "Yes," did you pass on any information to FBI agents contained in paragraph (a) of this FAR, which reads in words as follows: "The pilot in command of an aircraft is directly responsible for and is the final authority as to the operation of that aircraft."?

If so, to whom and what was his response?

45. Did any person to your knowledge advise any FBI agent that the pilot's requests should be complied with or suggest in any way that the pilot was in the best position to assess the situation? If so, explain.

46. Who was the FAA controller at the Jacksonville Tower who was in contact with 58 November?

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MEMPHIS	OFFICE OF ORIGIN JACKSONVILLE	DATE 12/1/71	INVESTIGATIVE PERIOD 10/26/71 - 11/24/71
TITLE OF CASE "CHANGED" GEORGE MALLORY GIFFE, aka (DECEASED); SUSAN LAKICH GIFFE, aka - VICTIM (DECEASED); BRENT QUINTON DOWNS - VICTIM (DECEASED); VICTIM		REPORT MADE BY SA	TYPED BY cjs b6 b7C
		CHARACTER OF CASE CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED WEAPON, KIDNAPING; FTCA	

The title is being marked "Changed" to reflect the correct name of subject [redacted] as shown on his Birth Certificate.

REFERENCES:

Jacksonville report of SA [redacted] 11/17/71
 Memphis report of SA [redacted] dated 11/3/71 re criminal investigation
 Memphis report of SA [redacted] dated 11/3/71 re civil aspects

- P -

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
APPROVED						SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE:							164-2042-266 JCT-21	
④ - Bureau (164-2042) 1 - USA, Nashville, Tennessee 3 - Jacksonville (164-103) (1-USA, Jacksonville) 2 - Memphis (164-76)							DEC 6 1971 REC 25 SI-103	
Dissemination Record of Attached Report						Notations		
Agency	2 - RAO, [redacted]					[redacted]		
Request Recd.	[redacted]					[redacted]		
Date Fwd.	22/10/71					1-FAA		
How Fwd.	1-RAO Civil					JFH		
By	JFH					11-12-72		

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ME 164-76

LEADS:

THE JACKSONVILLE DIVISION

AT JACKSONVILLE, FLORIDA

Will follow and report prosecutive action against
subject [REDACTED]

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THE MEMPHIS DIVISION

AT NASHVILLE, TENNESSEE

Continue to develop information of value in this
case.

ADMINISTRATIVE:

The following investigation was conducted on
November 10, 1971, at Gallatin, Tennessee, by SA [REDACTED]
[REDACTED]

[REDACTED] (protect), U. S. Post Office, advised
that Key Manufacturing Company moved to 29 Sunnyside Avenue,
Stamford, Connecticut, per change of address dated August 1,
1970. He advised that [REDACTED] moved to [REDACTED]
[REDACTED] (no address), per change of address dated August 19,
1971. (Advised [REDACTED] [REDACTED])

[REDACTED] He advised that [REDACTED]
[REDACTED] and wife formerly resided with [REDACTED]
[REDACTED] but [REDACTED] moved to Andrews,
North Carolina, per change of address dated May 17, 1969.
(A neighborhood investigation will be conducted relative to
[REDACTED] soon.)

The investigative period of this report overlaps that
of the previous Memphis report inasmuch as results of some
investigation conducted had not been typed in time for inclusion
in the previous report.

FEDERAL BUREAU OF INVESTIGATION

Date 11/4/71

Records of [REDACTED]

[REDACTED] reveal that the following

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In the event it is necessary to produce the above records in court, a subpoena duces tecum should be directed to

[REDACTED]
[REDACTED] or his authorized representative.

On 11/1/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76
by IC [REDACTED] b6
b7C Date dictated 11/3/71

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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FEDERAL BUREAU OF INVESTIGATION

1Date November 4, 1971

Records of

[redacted] revealed that [redacted]
[redacted]
[redacted]b6
b7C
b7DOn 11/1/71 at Nashville, Tennessee File # Memphis 164-76
Jacksonville 164-103

by

IC [redacted]

b6

b7C

Date dictated 11/3/71

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- D -
COVER PAGE

ME 164-76

7

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in the event it is necessary to produce the above
records in court, a subpoena duces tecum should be directed
to [REDACTED]

[REDACTED] or his authorized representative.

ME 164-103

On November 24, 1971, U. S. ATTORNEY CHARLES ANDERSON, Middle District of Tennessee, Nashville, advised that he was in receipt of records regarding Internal Revenue Service audit of subject GIFFE which will be promptly reviewed and results to be contained in next Memphis report due to voluminous records contained therein.

Bureau note that the Memphis Division will continue to pursue all logical investigation to insure that associates of subjects [redacted] and GIFFE are contacted.

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**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION**

Copy to: USA, Nashville, Tennessee
USA, Jacksonville, Florida

Report of: SA [REDACTED] Office: MEMPHIS
Date: 12/1/71

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Field Office File #: 164-76 Bureau File #: 164-2042

Title: GEORGE MALLORY GIFFE (DECEASED);

[REDACTED]
SUSAN LAKICH GIFFE - VICTIM (DECEASED);
BRENT QUINTON DOWNS - VICTIM (DECEASED);
[REDACTED] - VICTIM (DECEASED)

Character: CRIME ABOARD AIRCRAFT - HIJACKING, INTIMIDATION OF
CREW MEMBERS, CARRYING A CONCEALED WEAPON, KIDNAPING;
FEDERAL TORT CLAIMS ACT

Synopsis:

[REDACTED] Federal Aviation Agency (FAA) Dispatcher, Nashville, Tenn., Metropolitan Airport, first observed hijacked aircraft as it taxied on runway. Money order receipt #MOD 43310091 found in subject GIFFE's belongings is fictitious. Subject GIFFE received B.S. Degree 8/62 and M.A. Degree in Biology 5/63 at George Peabody College for Teachers, Nashville, Tenn. Employed at George Peabody as Biology Instructor from Fall, 1963, to Spring, 1965 and not qualified for re-hire. [REDACTED] said subject GIFFE in Verstand Co., and Global V Realty Co., but both unsuccessful. [REDACTED] Nashville attorney, said subject GIFFE was poor businessman. [REDACTED] described subject GIFFE as big talker and untrustworthy. [REDACTED] said subject GIFFE very odd. [REDACTED] advised subject GIFFE recently made statement that he had been here too long. Birth record of subject [REDACTED] set forth. [REDACTED] said he did not assist subject [REDACTED] with loan. [REDACTED] said subject [REDACTED] worked 5/15/71 and 7/30/71 as extra bartender, and [REDACTED] described as satisfactory employee. Subject [REDACTED] after hijacking, told friend, [REDACTED] that he was rooked into it and would tell [REDACTED] more later. Subject [REDACTED] employed Easton, Yale, and Towne Co., 8/61 to 4/65; Industrial Technical Service 9/67 to early part of 1968; and White Engineering Company 7/68 to 5/69. Neighborhood investigation at subject [REDACTED] past and present residences set forth. Subject [REDACTED] have valid beer license at Nashville issued 7/28/71. Civil actions in this case set forth in chronological order.

- P -

TABLE OF CONTENTS

	Page No.
I. INVESTIGATION AT BIG BROTHER AIRCRAFT, INC., NASHVILLE METROPOLITAN AIRPORT, NASHVILLE, TENNESSEE, REGARDING DETAILS OF HIJACKING AND RELATED INVESTIGATION -----	4
II. COMMUNICATIONS FROM HIJACKED AIRPLANE TO FFA FACILITIES AT MEMPHIS, TENNESSEE-----	8
III. DETAILS OF BACKGROUND INVESTIGATION REGARDING SUBJECT GIFFE-----	20
IV. DETAILS OF BACKGROUND INVESTIGATION REGARDING SUBJECT -----	57
V. CIVIL ACTIONS FILED WITH U.S. DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, TENNESSEE- 93	
A. Letter which serves as a short brief and argument with attached proposed order filed November 3, 1971, by petitioners-----	93
B. Order of U.S. District Court Judge FRANK GRAY, JR., Middle District of Tennessee, Nashville, filed November 3, 1971-----	93
C. Supplemental letter filed November 4, 1971, by petitioners-----	93
D. Supplemental brief in opposition to petition to perpetuate evidence filed November 4, 1971 by Government-----	93
E. Letter in response to the defendant's supplemental brief filed November 5, 1971, by petitioners-----	93
F. Letter with attached affidavit filed November 9, 1971, by petitioners-----	93
G. Order of U.S. District Court Judge FRANK GRAY, JR., Middle District of Tennessee, Nashville, filed November 11, 1971-----	93
H. Letter with attached speech of Director, FBI, filed November 18, 1971, by petitioners-----	93

b6
b7C

ME 164-76

Page No.

I. Letter with attached interrogatories
submitted in accordance with court order of
November 11, 1971, filed November 24, 1971,
by petitioners----- 93

ME 164-76

DETAILS:

AT NASHVILLE, TENNESSEE

I. INVESTIGATION AT BIG BROTHER AIRDRAFT, INC.,
NASHVILLE METROPOLITAN AIRPORT, NASHVILLE,
TENNESSEE, REGARDING DETAILS OF HIJACKING AND
RELATED INVESTIGATION

FEDERAL BUREAU OF INVESTIGATION

1.

Date 11/8/71

[redacted] Safety and Security Specialist, Nashville Airport Authority, Nashville, Tennessee, provided the following information:

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On early Monday morning, October 4, 1971, at approximately 2:00 AM while on duty as a Safety and Security Specialist at Berry Field, Nashville Airport, he was advised that they had received a call from the Big Brothers Company who had advised the Airport Authority that a Big Brothers plane was taxiing out from their hangar. They advised that there were two men in the plane who had pulled guns on the pilot and co-pilot. They also advised that there was a woman screaming that she was being kidnaped with the two men.

[redacted] another Safety and Security Specialist, and himself then took the security car to the Big Brothers hangar area where he observed an airplane, Twin Engine Aero Commander, at the end of runway #32. He heard over the radio the request by the same for clearance to take off.

At about that time they pulled up on the right side of the aircraft.

[redacted] noted that when they pulled up to the airplane it appeared that someone on the airplane had a flashlight shining on the back of the co-pilot's hand. This individual was holding a flashlight in one hand and a pistol in the other. He noted that while he was looking at this individual, this individual appeared to lean forward as if to say something to the co-pilot. He could not get enough of a glimpse of this individual to describe him further.

He then heard the pilot say something to the effect that "We are folling" at which time he plane took off down the runway. They then followed the plane down the runway until it became airborne.

On 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/5/71

JK 164-103

ME 164-76

2

Upon the aircraft becoming airborne, [redacted] then returned to the Big Brothers hangar where [redacted] observed a gold Cadillac with a black vinyl top, motor still running, parked near the north corner of Big Brothers hangar. He also noted that the headlights were still on. Someone told them that that was the car in which the two men and the woman had driven up to Big Brothers.

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Shortly after this, officers of the Metropolitan Police Department arrived at the terminal and turned the motor and headlights off of the car. Within a very few minutes an officer then backed the car into the hangar at Big Brothers.

[redacted] stated that he and [redacted] interviewed a Big Brothers Aircraft employee whose name he does not recall who told them that one of the men had made a \$200 deposit earlier in the day for a flight to Atlanta. This employee said that the renter of the airplane had said that two men and one woman would be going to Atlanta; that the woman was going to stay in Atlanta; and they were going to pick up another man and bring him back to Nashville.

[redacted] also noted that he and [redacted] found what appeared to be a head, yellow, blue and pink in color, lying on the ground near the front of the car. They picked it up and placed it on the hood of the automobile.

[redacted] noted that in the automobile was an open case in which numerous pill bottles were located. This was located on the floorboard between the back seat and the front seat on the driver's side. [redacted] also noted that there were several pieces of paper lying around the car. There was also a raincoat and sweater lying on the back seat.

[redacted] shortly thereafter returned to their security posts.

FEDERAL BUREAU OF INVESTIGATION

1Date 11/8/71

[redacted] General Aviation Operations Inspector, Nashville-Metropolitan Airport, Nashville, Tennessee, advised that at approximately 2:00 AM, on October 4, 1971, he received a telephone call from a [redacted] Chief Pilot, Big Brothers Aircraft Incorporated, Nashville, Tennessee. [redacted] advised him that one of their aircraft had been hijacked.

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[redacted] then proceeded to Big Brothers Aircraft Incorporated, located at the Nashville-Metropolitan Airport. When he arrived he saw that police officers from the Metropolitan Police Department were on the scene and was also informed that the FBI had been notified.

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[redacted] advised that after receiving this information, he returned to his home. He also advised that no further investigation has been conducted by General Aviation District Office.

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On 11/1/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/5/71

FEDERAL BUREAU OF INVESTIGATION

1Date 11/5/71

[redacted] advised he is employed by the Federal Aviation Administration as a Control Tower Operator at the Nashville Metropolitan Airport, Nashville, Tennessee.

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On October 4, 1971, he arrived on duty at the Nashville Airport control tower at 1:00 A.M. On duty with him was [redacted]

At approximately 1:25 A.M. on October 4, 1971, [redacted] received a call from Memphis Center advising [redacted] that aircraft number N9058N had requested IFR (Instrument Flight Rules) clearance and had received pre-taxi clearance. The next call was received at 1:52 A.M., whereupon N9058N called for taxi IFR to Atlanta. At this time [redacted] received a call from Airport Security advising him that aircraft number N9058N was being hijacked.

[redacted] advised that [redacted] told him to contact the duty supervisor, Federal Aviation Administration, Washington, D. C., to advise them of the hijacking. [redacted] could not complete the call to Washington, D. C., whereupon he advised Memphis Center that he could not get through to Washington, D. C.

[redacted] advised that he did not see aircraft number N9058N until the aircraft was taxiing toward the runway. At this time he noticed two Airport Security vehicles following this aircraft. [redacted] did not see the aircraft while it was parked at Big Brothers ramp area.

[redacted] advised that GEORGE M. GIFFE, JR., lived in the next apartment building; however, he only knew GIFFE on a very casual basis. He had no knowledge of GIFFE's personal activities.

On 10/26/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/1/71

ME 164-76

II. COMMUNICATIONS FROM HIJACKED AIRPLANE TO
FAA FACILITIES AT MEMPHIS, TENNESSEE

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/8/71

[redacted] Federal Aviation Administration (FAA), Department of Transportation, Democrat Road, Memphis, Tennessee, made available a copy of a tape recording which was made automatically at the FAA Control Center, Memphis, on October 4, 1971, which contains transmissions of conversation involving the hijacked airplane owned by Big Brothers, Nashville, Tennessee, and piloted by BRENT DOWNS. b6 b7C

The recording commenced at 0644.15 (6' 44" 15 sec.) Greenwich Mean Time and ended at 0722 (7' 22') Greenwich Mean Time.

This recording was replayed in the presence of [redacted] Area Specialist, FAA, and [redacted] Area Supervisor, FAA, as well as SA [redacted] FBI, Memphis. The following is a transcription of the tape recording as understood by the aforelisted people. The identification of the party transmitting is set forth with [redacted] Area Traffic Control Specialist (center) identified as MCC, representing the Memphis Air Route Traffic Control Center. The identity of the individual at the Nashville Control Tower is not known; however, is identified as NCT. The individuals speaking from the plane will be identified only as P representing the plane. The FAA Atlanta Control Station is identified as ATL. The identity of the individual at the ATL is not known at this time.

"This is Memphis Air Route Control Center. My name is [redacted] the date is 7 Oct. 1971. The time is 18.48 Greenwich Mean Time. This rerecording pertains to the hijacking of 9058 Nan on 4 Oct. 71 and covers the time period on 4 Oct. 71 from 0644 Greenwich Mean Time to 0722 Greenwich Mean Time. I hereby certify that the following is a true rerecording of the conversations pertaining to the incident."

(6' 44" 15 sec.)

MCC Is 9058 November going to go to Atlanta?
Has he called for take off clearance yet

NCT No I haven't heard from him.

On 11/5/71 at Memphis, Tennessee File # Memphis 164-76
Jacksonville 164-103

by SA [redacted] Date dictated 11/8/71

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ME 164-76

JK 164-103

2

MCC Proposed off at 6:15 going to Atlanta

NTC No one called yet

MCC I'll put one on him just in case. (clearance)

NTC Commander 9058, November?

MCC Yeah, a Commander 6T slant Alfa

MCC Cleared as filed to Atlanta

MCC Maintain one 3,000 (13,000) on course Victor 5
(6' 58" 40 sec)
009 (phonetic)

MCC Yes

NTC This 58 November is off at 59 and Safety and Security here informed us this aircraft is being hijacked.

MCC Say again.

NTC Safety and Security advised us here that this aircraft is being hijacked.

MCC 58 November?

NTC Affirmative.

MCC You're not joking?

NTC Negative.

MCC All right.

NTC They're chasing him down the runway but they're not going to get him.

ME 164-76
JK 164-103
3

MCC O.K. I'll check with you. Is he going to go IFR?

NTC Affirmative. He's got his clearance. I didn't know it till I done gave him his clearance ... and they called me and said the fixed base operator advised them uh-----.

MCC All right, let me get the supervisor on the line...

MCC All right, have him squawk... Just have him squawk the code.

NTC 77?

MCC No.

NTC 31.

MCC Yeah, but just tell him to squawk the code.

NTC O.K.

MCC Approach 49.

NTC Yeah.

MCC All right, did he say where he was going?

NTC No, I gave him his clearance to Atlanta and he copied it like that. That's the only thing he said. He didn't say anything else. He just said he was going.

MCC All right, is that him... south south southwest of the omni.

NTC 3 South southwest

MCC All right climb unrestricted to 13

MCC All right

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ME 164-76

JH 164-103

4

MCC And have radar contact

(7'1" 25 sec.)

NTC All right. I'll just switch him over to you.

MCC Go ahead, switch him over to me.

(7'2" 5 sec.)

P Memphis Center Commander 9058 November We're out of four for one 3,000 (13,000)

MCC Chattanooga let me talk to you on the 63 line.

ATL Go ahead

MCC In your suspense November 9058 November

ATL Go ahead

MCC 9058 November, ident.

P Identifying.

MCC 9058 November, Memphis, if possible say destination.

P We're going to Atlanta.

MCC Roger.

MCC Departed Nashville 0659, we hope, climbing to 13, and got remarks.

ATL Go ahead.

MCC It's a hijacked aircraft,... going to Atlanta if possible on appropriate code 31 ... get in touch with my supervisor ... have your supervisor call mine.

ATL Is he talking to anybody?

ME 164-76

JK 164-103

5

MCC Yeah, he's talking to me.

(7'6" 10 sec.)

ATL All right.

MCC Approach 49.

NTC Approach.

MCC What did they tell you exactly?

NTC Well he had already taxied out and I had done
given him his clearance and security called me
and said that the fixed base operator had called me.

MCC Who called you?

NTC Safety and security.

MCC Safety and security?

NTC Yeah.

MCC All right.

NTC ...called me and said that the operator, the fixed
based, or somebody at the fixed base operator where
he departed from called them and said that a man had
a gun at a woman's head and forced her on the airplane.

MCC All right.

NTC Now I don't know if they were going on ...

MCC This is the regular pilot that flies this airplane,
isn't it?

NTC Yeah, that's a base...

MCC It's a Nashville airplane?

ME 164-76

JK 164-103

6

NTC Yes...said he forced the woman on the plane with them and he wanted me to try to hold him... I had already given him clearance and I didn't have no excuse to delay him, but I didn't clear him to take off he just said he was rolling - they sent two cars out - he took off on his own actually.

MCC O.K. Are they notifying Atlanta?

NTC Yes we're calling Atlanta and Washington.

MCC O.K.

NTC ... and the FBI has been notified. I think safety and security is going to notify them.

MCC O.K... who does the airplane belong to?

NTC I'm not sure. I don't know who the plane...

MCC How much fuel was on board?

NTC I can probably get that if you need it.

MCC I don't want to ask him...

NTC O.K., let me call the fixed base operator, see if they can tell me. They can probably show... I'll call you back.

MCC O.K.

(7'8" 30 sec.)

Background

Voice I'm going to tell Atlanta what the situation is.

NTC Chattanooga 63

ATL Go ahead.

ME 164-76

JK 164-103

7

MCC Listen, on this 58 November, the people on board as far as who is doing the hijacking may not know that anybody is aware of it... the problem is before they left Nashville the airport security and the fixed base operator said a man forced his way onto the airplane with a gun at a woman's head. I don't know how much fuel he's got and I'm trying to determine that and I'll give that to you. I don't want to ask him because I don't want to alert anybody on the airplane, so as soon as I can find out how much fuel is on the airplane I'll give that to you... if he doesn't stop in Atlanta. He took off without a takeoff clearance. Now he had his IFR clearance but he just departed you know, said he was rolling.

ATL Some of those boys use headsets - you might in talking to him ask him if he's using a headset.

MCC Well, I don't know what we could say to him. Do you?

ATL Well, if he knows where he's going.

MCC He said Atlanta if possible.

ATL All right, let me know if you hear anything more.

MCC O.K. I'll get you the fuel on it as soon as I can.

(7' 10" 40 sec.)

MCC Commander 58 November say your altitude now

P We're out of 12 for one 3,000

MCC Roger

NTC Center 49

MCC Go ahead.

ME 164-76
JK 164-103
8

NTC 9058 November, belongs to Big Brothers Aircraft and he had maximum fuel on board. I don't know for sure what this is right now. I'll find out in a few minutes if you need to know.

MCC Well, we'd like a range if you know... the maximum fuel... we'd like to know what would be optimum flying time.

MCC It should be around 1400 miles at 55% power but I don't know what the altitude would have to be acquire this...

NTC We'll try to get a hold of the chief pilot

P Reporting at 13,000

MCC November 58 November one 3,000. Thank you.

MCC O.K. If he wants to talk to us he can...

MCC What's the pilot's name?

NTC I don't know. I'll get that to you if you need it.

MCC I'm sure somebody will need it.

NTC O.K. As soon as he calls back, I'll get...you know anything else we'll need, do you think?

MCC I don't know what else you can do. I'm just trying to find out if he's using a headset or the speaker.

NTC Well, I don't know either.

MCC All right.

(7'16" 10 sec.)

(Unintelligible)

ME 164-76

JK 164-103

9

NTC 58 November can fly $5\frac{1}{2}$ hours at average speed
230 knots.

MCC Five and a half hours fuel at 230 knots.

NTC Yeah - now do you need the pilot's name?

MCC Yeah, what is it?

NTC O.K. It's Brant, B-R-A-N-T...

MCC Q.

NTC What?

MCC Q - Quebec.

MCC O.K.

NTC Downs.

MCC D-O-W-N-S. That's Brant Q. Downs?

NTC Yeah and the co-pilot, the co-pilot on board -

MCC

NTC Right.

MCC Do you have a description of the man with the gun?

NTC No, I didn't get it. They probably have one.
I don't know.

MCC I'm sure the FBI is getting on it.

NTC They were notifying the FBI. I'm sure they told
them everything.

MCC Co-pilot

MCC Downs is the pilot.

MCC All right.

(7' 18' 15 sec)

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ME 164-76
JK 164-103
19

MCC Approach 49.

NTC Approach.

MCC On this 58 November, they intended to go to Atlanta and these people just showed up. Is that right?

NTC That I don't know. See he filed his flight plan quite a while in advance...

MCC That's right, that's the reason we're curious about it now.

NTC No they didn't say anything about where...

MCC I know he filed his flight plan in advance to Atlanta. I just wondered if these people just happened to show up out there...

NTC That's what I understand. They just happened to show up. I can probably find out...

MCC If you can.

MCC ...if he plane was scheduled to go to Atlanta anyway. We need that information.

NTC O.K., will do.

MCC Regardless of what...at this time with this flight plan without being you know...

NTC O.K.

(7' 21" 20 sec.)

MCC Chattanooga, Memphis, handoff.

ATL Chattanooga

ME 164-76

JK 164-103

11

MCC November 9058 November crossing the boundary
one 3,000 squawking 3000...5½ hours fuel
at 230 knots and let us know what happens.

ATL O.K.

MCC November 9058 November. This is Memphis Center
contact Atlanta 132.55.

P 32.55 so long (phonetic).

ME 164-76

II. DETAILS OF BACKGROUND INVESTIGATION
REGARDING SUBJECT GIFFE

FEDERAL BUREAU OF INVESTIGATION

Date 11/4/71

Chief Clerk, Division of
Vital Statistics, Department of Public Health, Nashville,
Tennessee, furnished the following birth data from the
records of that office:

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Birth certificate number	23924-36
Full name of child	GEORGE MALLORY GIFFE, JR.
Race	White
Sex	Male
Date of birth	July 11, 1936
Place of birth	Chattanooga, Hamilton County, Tennessee
Full name of father	GEORGE MALLORY GIFFE, SR.
Maiden name of mother	HELEN LOUISE HADLEY

On 11/3/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by IC Date dictated 11/3/71

FEDERAL BUREAU OF INVESTIGATION

1

Date November 16, 1971

[redacted] Western Union Telegraph Company, 311 Church Street, Nashville, Tennessee, advised as follows:

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On November 5, 1971 she examined a Xerox copy of Western Union telegraph money order receipt bearing the MOD number 43310091 in the amount of \$12,000, payable to Continental Research Consultants, Bavaria Apartments, Nashville, Tennessee.

A review of the records of the company at Nashville, Tennessee failed to indicate that the money order receipt was one actually issued by the company and she noted that the receipt does not bear a date and is typed with a typewriter, which is not one used by the Western Union Telegraph Company.

She explained that the telegraphic money order forms, which the phrase "telegraphic money order receipt" is a part of a three page form of the company, is usually filled out by a company employee at the time an individual desires to send a Western Union money order. These forms, however, are left on the counter for use of the customers and on a number of occasions the customer himself will fill out the money order form, including the amount, to whom the money is to be sent, the address of the recipient, the sender's name, and the message to be transmitted with the money order.

It is entirely possible that anyone could obtain a blank telegraphic money order form and thereafter fill out the form and use it for whatever purpose they might desire, but that actually this form would not be one which was officially handled by the company and no money was ever involved with the form completed by the individual who might pick up a form at the counter.

The MOD number 43310091, appearing on the Xerox copy of the form she examined, was one assigned to the company's agent at Dickson, Tennessee, located at the

On 11/5/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/11/71

ME 164-76

2

Graystone Hotel.

She telephonically contacted the agent at Dickson, Tennessee on November 5, 1971 and determined that this particular number appeared on forms used during March, 1971, but that the agent in Dickson was certain that no one had transmitted \$12,000 by Western Union money order at any time from that agency. The agent noted that it would have been necessary to obtain permission from the Nashville Office to accept \$12,000 on a money order, further that the initials appearing on the copy of the money order receipt were not those of anyone employed in the Dickson agency.

[redacted] pointed out that Western Union Telegraph Company has no office in Argentina and therefore it would have been impossible for anyone to obtain a money order receipt by Western Union Telegraph Company in Argentina or to send money to the United States via Western Union.

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[redacted] concluded by stating that she is certain that the telegraphic money order receipt which she examined on November 5, 1971, was not one issued by the company and that obviously someone had obtained a blank telegraphic money order and had completed the same with fictitious information for a purpose unknown to the company.

She also noted that anyone could obtain a blank telegraphic money order form at the Graystone Hotel in Dickson, Tennessee, which would have been printed with the MOD number 43310091.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/5/71

George Peabody College for Teachers, Nashville, Tennessee, furnished the following information:

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A review of the school records reflected that GEORGE GIFFE, JR. entered Peabody College the winter quarter of 1959, having transferred from David Lipscomb College, Nashville, after concluding one year's work at that institution. He attended Peabody continuously thereafter and was awarded a Bachelor of Science Degree on August 17, 1962.

GIFFE entered into a Masters program at Peabody in the summer of 1962 and was granted a Master of Arts in Biology on May 31, 1963.

GIFFE's wife, SUSAN LAKICH, entered Peabody as a Freshman in the fall of 1963 and was awarded a BS June 2, 1967 in Elementary Education. She started her Masters program in the fall of 1967 and received her Masters of Arts in Elementary Education August 18, 1968.

GEORGE GIFFE, JR. was employed as an instructor of Biology. He was hired on a temporary basis and worked in such capacity in the spring of 1965. GIFFE was not rehired inasmuch as he was not considered qualified as an instructor.

On 11/4/71 at Nashville, Tennessee File # Memphis 164-76
Jacksonville 164-103
 by SA [redacted] Date dictated 11/4/71

FEDERAL BUREAU OF INVESTIGATION

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Date 11/8/71

[redacted]
furnished the following information:

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He first became acquainted with GEORGE GIFFE, JR., in approximately 1959 or 1960 while the two of them were students at George Peabody College, Nashville, Tennessee. They became social acquaintances and saw each other occasionally over the next several years.

In 1963 or 1964 GIFFE started the Verstand Corporation, an import-export company, located at Nashville. [redacted] became treasurer of the corporation and was associated with GIFFE for the next two or three years. The business was not successful and was eventually disbanded.

In about 1965 or 1966 GIFFE started the Global V Realty Company located at Nashville, and GIFFE approached [redacted] to work for the realty company as a salesman. [redacted] was to receive 40 per cent of any commissions which he earned through his real estate sales. [redacted] pointed out that he was employed as [redacted] at Baptist Hospital, Nashville, during this period of time and his association with Global V Realty was only a part-time activity. Actually he never sold any property and realized no financial gain from his association with the realty company.

While continuing his operation, GIFFE became interested in a franchise for an Al Hirt Saloon and Restaurant in Nashville. This occurred about three or four years ago. [redacted] believed that he may have been listed as one of the incorporators of the Al Hirt place of business but he was not sure. He took no interest whatsoever in the franchising operation of the Al Hirt concern and received no financial remuneration from the business. This business was started approximately three or four years ago.

On 11/1/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76
by SA [redacted] Date dictated 11/5/71

JK 164-103

ME 164-76

2

GIFFE finally dropped the Global V Realty Company some time after the Al Hirt Company was started; the Al Hirt Company was eventually unsuccessful.

He described GIFFE as an individual who was always joking and telling "wild tales." He was of the opinion that GIFFE never really intended that anyone believe any of his tales.

He first became acquainted with SUSAN GIFFE when she worked as a secretary at the offices of Global V Realty Company. After GIFFE married SUSAN he had no social contacts with either GIFFE or SUSAN.

He last saw GEORGE GIFFE, JR., on the Thursday prior to October 4, 1971, when GIFFE hijacked the aircraft to Florida. GIFFE was in Baptist Hospital to visit his mother and stopped by to say hello to [redacted]. Their conversation consisted of "small talk". GIFFE did not appear nervous and upset and made no mention of his business or other personal activities. He gave no indication whatsoever that he intended to leave or take any type of drastic action.

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He had never heard of [redacted] prior to reading his name in the newspapers following the hijacking. He knew nothing of GIFFE's association with [redacted] and knew nothing of GIFFE's operation of the Labri Lounge.

FEDERAL BUREAU OF INVESTIGATION

1

Date November 4, 1971

[redacted] Attorney, [redacted]
[redacted] Attorneys at Law, [redacted]
way, furnished the following information:

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[redacted] law firm has had business dealings during the past 3 years, approximately, involving GEORGE MALLORY GIFFE, JR. Attorney [redacted] of this firm is currently representing GIFFE in a pending law suit in Davidson County Circuit Court, wherein GIFFE is suing for damages in connection with injuries received in an automobile accident in Davidson County.

In approximately 1968, GIFFE actively attempted to promote AL HIRT Mardi Gras International, a franchising firm built on the name of the popular entertainer AL HIRT, with the concept of combination luxury type restaurants and night clubs. In connection with this concept, entertainer AL HIRT actually came to Nashville to discuss business and [redacted] firm did some of the legal background work in connection with this, but the deal fell through.

Following the AL HIRT project, GIFFE, then in the real estate business, began coming around the law firm, dropping in without appointment to see Attorney [redacted] and apparently brought persons with him in an effort to impress them. On one occasion GIFFE brought [redacted] by the office and attempted to get some help in opening a night club on Jefferson Street, Nashville, Tennessee, in partnership with [redacted]. There was another individual who came by in connection with this night club, who [redacted] recalls only as a Negro male. GIFFE said that they wanted to incorporate and that they already had a beer license and would open in 10 days. [redacted] told GIFFE that this costs money to get going, and in his customary fashion, GIFFE told him not to worry about that, that he would take care of all money. With his usual grand way of doing things, he gave [redacted] a bad check for \$250 and after the check bounced, [redacted] called GIFFE and told him about it, and GIFFE made some excuse about the money had not been placed in the bank properly, and [redacted] dropped the whole matter involving the club.

Jacksonville 164-103

On 11/1/71 at Nashville, Tennessee File # Memphis 164-76by SA [redacted] Date dictated 11/2/71

GIFFE had delusions of grandeur and put on a big front as being a respectable big dealer. It was during the time that he had his real estate office that he fell in love with SUSAN, who was then his secretary, and after their marriage, GIFFE seemed very devoted to her.

The last venture that GIFFE brought to [redacted] law firm appeared to have promise. GIFFE came to the law firm with the idea of extracting sand and gravel on some land holdings in Georgia, which he and others reportedly held options and mineral rights. There were rumors that there might be gold involved in these rights; however, the most promising part of the whole deal seemed to be the sand and gravel, inasmuch as there was impending interstate highway construction in the area and the availability of these building materials would be a great asset. The law firm drew up incorporation papers and filed these with the Tennessee Secretary of State under the corporation name of Cade, Incorporated, with the principals indicated as GIFFE, GEORGE DUGGER of Elizabethton, Tennessee, and [redacted] and [redacted] of Cleveland, Tennessee. [redacted] Negro male, of Nashville, Tennessee, had had some connection with this operation and brought GIFFE into the proposed deal. [redacted] a tax attorney in Washington, D.C., was also involved in Cade, Incorporated. [redacted] had stock in Consolidated Gold and Mining Corporation, which held mining and mineral rights over 500 acres in Georgia. The stated agreement was that Cade, Incorporated was to pay [redacted] \$15,000 cash and thereafter royalties on sales and mining and extraction of materials was to begin within 6 months. GIFFE, an extremely poor businessman, was unable to obtain the necessary financing, and the deal fell through, although Cade, Incorporated is still chartered in the State of Tennessee. GIFFE reportedly borrowed some money from the Commerce Union Bank in Nashville and reportedly went to the C & S Bank in Atlanta, Georgia and attempted to borrow \$1 million based on preliminary geological reports of the area.

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The stock in Cade, Incorporated has never been issued because the law firm was never able to reach a legal description of the issuing stock.

[redacted] stated that he was surprised that GIFFE would actually have hurt SUSAN, as he was so attached to her.

FEDERAL BUREAU OF INVESTIGATION

1

Date November 4, 1971

[redacted] Attorney at Law, [redacted]
[redacted] Attorneys at Law, [redacted]
[redacted] furnished the following information:

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[redacted] first met GEORGE GIFFE a number of years ago through a mutual friend at Peabody College, where at that time GIFFE was teaching. GIFFE reportedly was very ambitious in his teaching at Peabody and apparently very patriotic toward his country, as he remarked to his class on occasion that no long hippie-type hair would be allowed in his class and no remarks about the country or flag would be tolerated. GIFFE was very vain and would never admit being wrong about anything, and apparently had visions of grandeur, because of his background. He wore, on occasion, a white jungle jacket with an American flag sewed thereon and was always promoting something.

In approximately 1968, GIFFE, along with others in Nashville, Tennessee, became interested in franchising, and actively attempted to promote the AL HIRT Mardi Gras International, a franchising firm built on the name of the popular entertainer, AL HIRT, with the concept of combining luxury type restaurants and night clubs. In connection with this operation, the law firm which [redacted] is associated with, became interested and HIRT actually came to Nashville and met with them. They tried to rent the top floor of the Parkway Towers, a nearby building, for a night club and the deal fell through for lack of necessary business financing and arrangements.

During this time GIFFE was actively engaged in the real estate business under the name of Global-V Realty Company. He hired SUSAN as a secretary and thereafter fell in love with her and divorced his wife so that he could marry her. Attorney [redacted] handled GEORGE GIFFE's divorce, which was considered to be a friendly-type divorce. Following his divorce he married SUSAN and she became his secretary and wife and came to the law office with GIFFE, and actually took

Jacksonville 164-103
On 11/1/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/2/71

notes of the legal transactions. GIFFE enjoyed the idea that he had a battery of lawyers at his command and brought people to the law firm on occasion, apparently just to show off his lawyers. He usually dropped by without appointment and on a number of occasions [] would not see him, because he was just too busy, but this never daunted GIFFE.

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The last big deal involving GIFFE involved Cade, Incorporated. GIFFE brought GEORGE DUGGER, Elizabethton, Tennessee, to the law firm and interested the law firm in a business venture concerning the extraction of sand and gravel and possibly gold from mining and geological rights held by the Consolidated Gold and Mining Corporation in Georgia. [] one of the principals in the company had stock in the Consolidated Gold and Mining Corporation in Georgia and as such had mining rights over 500 acres in Georgia. [] of Cleveland, Tennessee was also involved in this company. The law firm drew up a charter, which all of the principals signed, and it was filed by the law firm in the Secretary of State's Office in Nashville, Tennessee, chartering Cade, Incorporated as a Tennessee corporation. [] former basketball coach at Tennessee State A & I University, Nashville, reportedly had some connection with the operation and had interested GIFFE into the proposed deal. [] a tax attorney in Washington, D.C. was also involved in Cade, Incorporated. The agreement was that Cade, Incorporated was to pay [] \$15,000 cash and thereafter royalties on materials extracted, with mining of these materials to begin within 6 months. GIFFE, an extremely poor businessman, who operated without adequate records, and so forth, did obtain a loan from a Nashville bank, and he attempted to secure about \$1 million in loans from the C & S Bank, Atlanta, Georgia, but he was unsuccessful. Because of lack of financing, and because of lack of necessary profits and loss statements, business financial statements, etc., GIFFE was unable to consummate the deal and put it all together. The deal fell through, although Cade, Incorporated is still chartered in the State of Tennessee.

[] never knew of GEORGE and SUSAN GIFFE being separated, but at one time did recall that GIFFE came to his office with an automatic pistol in his attache case. [] happened to see the pistol and ordered GIFFE to remove it from his office, which he did. GIFFE said something to the effect that he had a permit for the gun. [] never saw

[redacted] but one time, and that was when GIFFE brought him by the office.

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[redacted] is currently representing GIFFE in a suit involving an automobile accident, wherein GIFFE allegedly received personal injuries. This suit was filed in Davidson County Circuit Court and damages claimed were in the amount of \$100,000. There was a strong likelihood that this case would have been settled through the adjusters, and on the same day that GIFFE reportedly killed himself was the day that [redacted] and GIFFE had an appointment with the adjuster.

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 11/15/71

[redacted] Schlott, Norman and Cain, Architects, 135 Third Avenue North, Nashville, Tennessee, furnished the following information:

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Some time between approximately October and December, 1967, GEORGE GIFFE, JR., contacted the firm of Schlott, Norman and Cain and requested that they prepare a design for a proposed night club to be operated by AL HIRT, International, Incorporated, a company of which GIFFE was either president or some officer. The company prepared such a design; however, the proposed night club was never constructed and Al Hirt, International, Incorporated, later ceased operation.

In about June of 1968 GIFFE again contacted the firm and asked that someone from the firm accompany him to Atlanta, Georgia, where he was considering building a night club. This night club was to be built by a company called Atlantic Development Company, of which GIFFE was also an officer.

Still later, in approximately December, 1968, GIFFE asked the company to prepare a design for a proposed night club to be located on the top of the Parkway Towers building on James Robertson Parkway in Nashville, Tennessee. No design was ever prepared for this proposed club as the entire idea was dropped.

GIFFE never paid the firm for the designs which the firm prepared and GIFFE and Al Hirt International, Incorporated, currently have a bill of \$1,196.00 owing to the company. Efforts to collect this amount over the past three years had proved negative.

[redacted] advised that he had never been acquainted with GIFFE socially although he had attended a party or two at GIFFE's apartment on occasion. He was invited to these parties

Interviewed on 11/11/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/12/71

JK 164-103

ME 164-76

2

in connection with his contract with GIFFE. He advised that it had probably been at least six months prior to GIFFE's death since he had seen GIFFE, and on this occasion he had merely run into GIFFE on a downtown street in Nashville. They had said hello but had engaged in no conversation.

He was not acquainted with [redacted] and stated that this person has never had any business dealings with his firm. Neither was he aware of any social or business connections between [redacted] and GIFFE.

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FEDERAL BUREAU OF INVESTIGATION

1.

Date of transcription November 16, 1971

[redacted] residence
address [redacted] advised as
follows:

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In approximately 1966 he met GEORGE GIFFE, JR. of Nashville who at that time was connected with the Global, V. Real Estate Company in Nashville, GIFFE having solicited him in an effort to sell real estate in Nashville.

At that time he had developed a piece of property in the Green Hills section of Nashville which was a prosperous business venture and GIFFE was interested in [redacted] purchase of a piece of property on Gallatin Road in Nashville.

GIFFE showed him the property on Gallatin Road which he subsequently bought and as a result GIFFE made a rather substantial commission on the sale. This piece of property was later developed into a prosperous restaurant and was operated for [redacted] for a period of time before it was sold to another individual.

Following the purchase of the property on Gallatin Road, GIFFE continued to contact him at his restaurant which he operated in the Green Hills area and talked with him on numerous occasions in an effort to interest [redacted] in some "real estate deals". He always declined the offers made by GIFFE as he was "leary" of GIFFE and did not completely trust GIFFE in his operations.

He considered GIFFE to be a "big talker" and a man who wanted to be a "big operator", but was never able to finance any of his ideas and was unsuccessful in his business dealings.

Sometime during 1966 to 1967, at GIFFE's request, he, [redacted] met with GIFFE and [redacted] of New York, who was a representative of the Al Hirt Enterprises. He understood from GIFFE that [redacted] was interested in

Interviewed on 11/11/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/13/71

JK 164-103

ME 164-76

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opening an operation in Nashville, Tennessee, and requested that [] accompany him in the meeting with [] since [] had successfully developed several pieces of property in Nashville and had operated several profitable restaurants.

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The meeting with [] took place at the Ramada Inn in Nashville and they talked generally concerning the Al Hirt Enterprises, but [] stated to [] and GIFFE that he wanted nothing to do with this operation as he was not financially able to engage in additional business ventures other than those he had operating in Nashville at that time.

The meeting ended without any decision being made as to whether or not GIFFE would engage in the Al Hirt Enterprises and as far as he, [] was concerned the meeting was of no important significance.

For some months after this he learned through associates that GIFFE was "dropping his name" and talking with various business men in Nashville about real estate ventures and that he contacted GIFFE and told him to discontinue this practice as he had no interest with GIFFE and had no interest in joining him in any business venture.

During 1967 and 1968 GIFFE conducted a class for prospective real estate men in his office at the Global V. Realty Company and collected a fee from these students. [] at GIFFE's suggestion, attended several of these classes and was successful in obtaining a real estate license which he subsequently surrendered as he had no interest in dealing in real estate.

He estimated that five or six men attended these classes and, according to GIFFE, these men paid a rather large sum to attend the classes and in [] opinion, GIFFE made a considerable amount of money conducting the classes.

ME 164-76
JK 164-103

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He has had very little contact with GIFFE since 1966 or 1968, but has seen him in and around Nashville from time to time, but has not been engaged in any business transactions with GIFFE and had no part in the Al Hirt's Club Mardi Gras International which GIFFE had talked to [] regarding.

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During 1969 he joined in the Al Hirt Sandwich Salons which were financed through the Al Hirt Enterprises and operated two of these outlets in Nashville which has since ceased operation. This venture had no connection with Al Hirt's Club Mardi Gras International in that the latter organization was presumably engaged in the operation of night clubs whereas the sandwich salons were quick food service cafes and were entirely different operations from the night club venture.

He understood that GIFFE had possibly incorporated the Al Hirt's Club Mardi Gras International, but that he, [] was not contacted by GIFFE in this venture and would have declined to do so had he been requested to become a part of the organization by GIFFE. He considered GIFFE to be a person who attempted to overwhelm everyone whom he met and completely dominated any conversation in which he took part. He did not particularly trust GIFFE and regarded him only as a "big talker" and "full of hot air." He felt that GIFFE had attempted to use his name [] in furthering his own interest since [] reputation in Nashville was good and since he had been successful in two or three business ventures. [] stated that he had never met [] and, as previously noted, he has had no direct contact with GIFFE in the past three or four years.

[] recalled one instance in which he and his wife went to dinner with GIFFE and his first wife and during the dinner GIFFE was very uncomplimentary to his wife and "put her down" on a number of occasions to the point that he, [] and his wife, were very uneasy and after this they did not socialize with Mr. and Mrs. GIFFE.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/29/71

[redacted] telephone number [redacted] advised that he first met GEORGE GIFFE some 11 months ago. He stated that GIFFE's wife SUSAN had attended high school with his wife, and they ran into each other at Ireland's Restaurant in Nashville, Tennessee and joined them for dinner. He stated that following this meeting they attended social functions wherein the GIFFES were in attendance, and that he saw him probably 10 to 12 times during the intervening 11 months.

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He stated that during this period of time GIFFE did not discuss any business affairs with him and he gained the impression that GIFFE was a rather happy-go-lucky individual who was rather "shallow", and explained by this that he meant after being with him 2 or 3 times he was always repetitive in his social graces. He stated that he was in this regard constantly, using the same compliments to the ladies and making the same general statements to the men.

[redacted] advised that the only type of dealings other than social that he had with the subject started on the first night he met him, when he [redacted] observed a watch GIFFE was wearing and made some compliment concerning same. He stated that at this point GIFFE informed him that he could get him a watch like this for \$55. He stated that he indicated to GIFFE that he would be interested, and he stated that he heard at a later date that GIFFE was purchasing them for \$30 to \$35 and reselling them. He stated that some 3 to 4 months later, when they were again in social contact with the GIFFES, GIFFE indicated that he had his watch, and produced a watch, which on examination proved to be scratched and dirty, indicating that it was a watch which had been used. He stated that he refused to accept this, and that approximately 4 weeks later GIFFE showed up with another watch, which he believed to be the same watch with another

Interviewed on 11/23/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/24/71

crystal, at which time he indicated that the excise tax had gone up and the cost of the watch would be \$105.

[] stated that at this point he declined to consummate the business deal, and then a month or 2 later he met GIFFE at another social occasion, when GIFFE indicated that he had sold the watch.

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[] stated that he last saw GIFFE approximately 2 to 3 months prior to his death and that this again was a social function, where GIFFE was drinking and laughing and apparently in a good mood.

[] stated that the only strange observation he had regarding GIFFE was that on one occasion GIFFE told him that he was a warlock, and when he questioned GIFFE concerning this he just laughed it off by saying that's a male witch. He stated GIFFE did not elaborate and he did not pursue the subject.

[] advised that during GIFFE's general conversations he was a general braggart and would make grandiose statements, and one of his favorite expressions when commenting concerning someone that he did not agree with was "we'll get a contract on him". He stated that he passed this off as a silly idiosyncrasy of GIFFE and felt there was no basis in fact for any such statement, as he did not believe that GIFFE had any underworld connections. He stated that GIFFE never actually stated that he had any underworld connections, or made any statements other than this which would indicate to him that he was prone to violence. [] stated that he personally thought that GIFFE was just a talker and used such expressions to impress some of his gullible friends. He stated that GIFFE's wife SUSAN often commented to them when GEORGE was making grandiose statements "don't pay any attention to him, that's just GEORGE".

[] advised that they talked with SUSAN approximately a week before she was killed, at which time she advised them that she had left GEORGE and that her only explanation concerning this was that she was "fed up with him". [] stated that they did not pursue the subject and SUSAN did not comment further.

FEDERAL BUREAU OF INVESTIGATION

Date 11/10/71

1

[redacted] advised that he was a financial consultant and that as such he had been engaged in an effort to establish a sand and gravel business under the corporate name of Cade, Inc. He stated that in connection with this endeavor, he met GEORGE GIFFE through [redacted]. He stated this meeting was at [redacted] home on [redacted] in the summer of 1971 and that [redacted] introduced him to GIFFE as a friend who was engaged in real estate and who might have some mutual interest.

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He stated that he and GEORGE would thereafter discuss various real estate ventures but he soon determined that GEORGE had very little knowledge concerning real estate and finance.

He stated he, shortly after meeting GEORGE, decided he did not like his approach but he did seem to know some influential people and particularly a law firm in Nashville, Tennessee with which he dealt, this being an individual named [redacted] but stated that after a short period of time with GEORGE constantly making statements about his association with the CIA and underworld groups, he began to discount most of what GIFFE stated.

[redacted] stated that GIFFE was a brilliant individual but that he lived in a different world. He described GIFFE as being "odd", "a genius".

[redacted] stated that approximately three or four months ago, he was visiting in GIFFE's home, at which time GIFFE placed a "mickey" in his drink and that he became deathly sick. He stated that he was unable to understand what brought this on but that he thereafter did not see GIFFE.

He stated he later learned that GIFFE was making an effort to cut him out of the Cade operation but that he had no legal opportunity to do this and so he did not place much emphasis on it.

On 11/8/71 at Nashville, Tennessee File # Memphis 164-76.
Jacksonville 164-103

by SA [redacted] Date dictated 11/8/71

ME 164-76

2

He stated although he had not seen GIFFE for the last three or four months, that he had talked with him on the telephone on two or three occasions but stated that he was not in a position to access the man other than his observations above.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/18/71

[redacted]
[redacted] residence [redacted]
[redacted] advised he attended high school with GEORGE GIFFE at West High School, Nashville, Tennessee. He was graduated in [redacted] and he believes GIFFE graduated 1956. He was not closely associated with GIFFE during his high school years, but merely knew GIFFE when he saw him.

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He did not see GEORGE GIFFE again until approximately 1967, when he was employed as [redacted] at [redacted]

[redacted] has since merged with [redacted]
[redacted] to form the present [redacted]
[redacted] At this time GIFFE opened a personal checking account, and he recalls GIFFE signing the signature card as GEORGE M. GIFFE, JR., BSMA, presumably to indicate GIFFE had a masters degree in science. Following the opening of this new checking account GIFFE began coming in to the bank frequently, and on each occasion GIFFE created an opportunity to speak with him. GIFFE claimed to be in the real estate business and claimed to be doing extremely well. On most every occasion when GIFFE came into the bank, GIFFE found an opportunity to open his wallet, displaying a police badge. On most each time GIFFE informed him that he, GIFFE, was a special police officer with the Metropolitan Police Department.

On 2 occasions, GIFFE invited himself and his wife [redacted] to dinner when GIFFE and his wife SUSAN GIFFE were residing at the Georgetown Apartments, Nashville, Tennessee. He recalls GIFFE did the cooking on both occasions. These invitations occurred approximately 3 years ago and they were approximately 5 months apart. Also invited to these dinner parties was [redacted] who is the

[redacted]
who is reputed to be with the music business at Nashville, Tennessee, also attended the dinner parties; however, he

On 11/12/71 Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/17/71

ME 164-76

2

can not recall any of the other persons who attended the parties. Drinks were always served at these dinner parties and the guests often sat around and talked. GIFFE drank a great deal of alcoholic beverages; however, he seldom showed the affects of this consumption. GIFFE was always loud and attempted to be the center of attention. GIFFE always claimed that he had some big business deal going, and when the ladies were not present, GIFFE often boasted of his prowess with women, both socially and sexually.

He found GIFFE to be a likeable person, but considered him a "blowhard". GIFFE's account at the [redacted] was recently closed because of a large overdraft that had been carried on the books for at least 3 years. He last saw GEORGE GIFFE approximately 3 or 4 months ago, while having dinner at the Brass Scales Restaurant. GIFFE was with his wife SUSAN and 2 other men, and he merely said hello to GIFFE and SUSAN.

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b7C

He does not know [redacted] has never met [redacted] and he has no knowledge of [redacted] association with GIFFE.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/8/71

[redacted]
[redacted] furnished the following information:

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In 1964 and 1965 he was a student at George Peabody College, Nashville, Tennessee, where he majored in biology. His advisor and one of his teachers during this period of time was GEORGE GIFFE, JR. [redacted]
[redacted]

Following his graduation from George Peabody College he became employed at the Pathologists' Laboratories, 1916 Patterson Street, Nashville, Tennessee, telephone number 327-2033. GIFFE would occasionally call him at the office or come by to see him at the office in order to inquire as to how he was getting along with his job and how he liked his work. He was never socially acquainted with GIFFE and their relationship always remained that of a teacher and his former student.

He knew nothing of GIFFE's business or personal family relations. He had never heard GIFFE mention anyone named [redacted] and first became aware of [redacted] name when he saw it in the newspaper following GIFFE's hijacking of an aircraft to Florida.

He last saw GIFFE on the Friday before the hijacking. GIFFE came by his office at the Mid-State Medical Center located next door to Baptist Hospital in Nashville. He showed GIFFE around the Laboratory and they engaged in considerable conversation as to the various biological and pathological examinations which [redacted] was engaged in at the Laboratory. During the

On 11/3/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/5/71

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JK 164-103

ME 164-76

2

conversation GIFFE mentioned that he had recently gone into the mining business in Georgia. GIFFE did not expand upon this comment.

GIFFE stayed around the office about 15 or 20 minutes and then left, stating that he had to see a doctor. name not mentioned, regarding an automobile accident. [] stated that this accident had apparently happened some time earlier and he was not familiar with the details of it.

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He described GIFFE as being an individual who was always nervous and preoccupied. GIFFE did not appear any different during his brief stay at the office on the Friday prior to the hijacking. GIFFE gave no indication of being emotionally disturbed and made no mention of any personal problems which he might have had.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/3/71

[redacted]
[redacted] Super X Drug Company, 3810 Nolensville Road, Nashville, Tennessee, was interviewed and furnished the following information:

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[redacted] advised that at approximately 3:00 to 4:00 p.m. on Sunday afternoon, October 3, 1971, he was working in the pharmacy section of the Super X Drug Store when an individual appeared at the counter. [redacted] advised this individual had stated his name was GIFFE and that the drug store had a check which had been returned on him. [redacted] advised that he checked and located a \$25.00 check which had been returned by the bank on which it was drawn as an insufficient check, cashed by GIFFE at the drug store.

[redacted] advised he did not recall what bank this check was drawn on other than it was a local Nashville, Tennessee bank. [redacted] advised he accepted cash from GIFFE for the payment of this check and returned the check to GIFFE.

[redacted] advised that he had not, to his knowledge, ever seen GIFFE on a prior occasion, and did not recall what employee of the drug store had authorized the cashing of this check. He advised he had been very busy at the time GIFFE had appeared at the drug store and paid very little attention to him but did recall he was a very large man.

[redacted] advised he had not noticed anything whatsoever unusual about GIFFE but noted he paid very little attention to him.

[redacted] advised that the Super X Drug Company, 3810 Nolensville Road, presently has a check which has been returned by the First American National Bank, Nashville, marked as insufficient funds, this check having been written by SUSAN GIFFE. [redacted] made this check available for review and it was noted that this check was a personalized check for Mrs. SUSAN GIFFE, JR., Bavaria Apartments, # J-11, 4501 Packard Drive, telephone 834-0699, Nashville, Tennessee 37211.

Jacksonville 164-103
Memphis 164-76Interviewed on 11/1/71 at Nashville, Tennessee

File #

by SA [redacted]

Date dictated

11/2/71

ME 164-76

2

This check is dated September 28, 1971, in the amount of \$13.31, was signed Mrs. SUSAN GIFFE. Attached to this check was a bank note noting this check was being returned for non-sufficient funds, being returned October 8, 1971.

[redacted] advised that he personally had authorized the acceptance of this check for cashing at the Super X Drug Store inasmuch as the check contains his initials. [redacted] advised he did not know the person cashing this check personally, but has since determined that SUSAN GIFFE is deceased. b6 b7C

[redacted] again stated that he did not personally know SUSAN GIFFE or GEORGE MALLORY GIFFE, JR.

FEDERAL BUREAU OF INVESTIGATION

1Date 11/4/71

[redacted]
[redacted] advised that he opened a Post Office Box on January 23, 1971 at the Antioch Post Office. At this time, the Post Office Box was numbered 298, however, several months after this box was opened, the Post Office changed this box number to number [redacted]

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[redacted] advised that he does not know GEORGE M. GIFFE, JR. and could furnish no information as to why GIFFE had in his possession a receipt for Post Office Box 298.

On 11/1/71 at Antioch, Tennessee File # Memphis 164-76
Jacksonville 164-103
by SA [redacted] Date dictated 11/2/71

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/6/71

[redacted] Georgetown of Nashville Apartments, 5025 Hillsboro Road, Nashville, Tennessee, furnished the following information from the records of that office:

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On October 1, 1969, GEORGE M. GIFFE, JR. signed a rental lease for Apartment #9-C, which would expire on September 30, 1970, and to rent for \$205 per month. GIFFE paid \$100 security deposit.

The following background relating to GIFFE was obtained from the records of the Georgetown of Nashville Apartments:

Name:	GEORGE M. GIFFE, JR.
Date of birth:	July 11, 1936
Marital status:	Married
Wife's name:	Mrs. SUSAN G. GIFFE, age 23
Automobile operated:	1965 Cadillac, silver in color
Previous address:	Suite 511, Continental Apartments, Nashville
Employment:	Self-employed as a real estate broker at Suite 1410, Parkway Tower
Previous employer:	George Peabody College, 5 years
Spouse's employment:	Unemployed
Church affiliation:	Episcopal
Banking:	Third National Bank (checking account)
Credit:	Harvey's; Zibant's Book Store, both Nashville

[redacted] advised that it was necessary to write GIFFE letters on the following occasions:

On October 6, 1969, reminding him that the lease indicates that rent was to be paid on the first of each month;

On December 22, 1969, requesting that in the future ~~that the rent be paid by cash, cashier's check or postal money order;~~

On 11/2/71 at Nashville, Tennessee File # Memphis 164-76
Jacksonville 164-103
 by SA [redacted] RMC/dd Date dictated 11/3/71
 IC

ME 164-76

On January 10, 1970, a letter containing the same information set forth in aforementioned letter dated December 22, 1969;

On March 14, 1970, advising that he would be charged \$10.25 fee for failure to pay rent as agreed on the first of the month;

On April 25, 1970, another letter was written to GIFFE containing the same information as aforementioned letter dated March 14, 1970;

On June 16, 1970, GIFFE was advised that complaint had been received regarding loud talking and music beyond 10:00 p.m. limitation time.

On September 11, 1970, a letter to GIFFE was sent indicating that the lease was being terminated on September 30, 1970.

[redacted] advised that records indicate that GIFFE moved from this apartment on October 31, 1970 and did not pay the \$205 rental fee for the month of October, 1970.

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She stated that records failed to indicate that the \$100 security deposit made to Georgetown Apartments was refunded to GIFFE.

[redacted] advised that GIFFE was always about two months later in paying his rent and usually gave checks, but toward the last couple of months that he was a tenant, they demanded that he give either a cashier's check or cash since all his checks were refunded for insufficient funds. He frequently had all type of parties on the weekends and created a lot of noise, and on one occasion, he had an allnight party and invited several Negro guests, including men and women, and the next day they were swimming in the swimming pool. This was in the summer of 1970.

ME 164-76

3

He seemed to delight in doing the unusual and trying to create any disturbance. She pointed this out since the Georgetown Apartments are a predominately white apartment complex.

GIFFE and his wife were living together while he resided in Apartment 9-C, but [redacted] heard from various tenants that he and his wife began having marital difficulties prior to the time they moved out of the apartment.

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She recalls, through conversations with different tenants, that GIFFE liked to entertain people at the swimming pool by reading palms, telling stories about warlocks and doing anything that would make him the center of attention. He indicated to several of the tenants that he was a warlock and several of the tenants were of the opinion that he actually thought he was a warlock.

On one occasion, he came in the apartment office and [redacted] told him that he would have to pay his rent on time, and he commented to her that he was planning on buying Georgetown and looked at her in such a manner as if he maybe thought he really could buy the Georgetown Apartments.

[redacted] saw him on several occasions and usually he appeared to be very nervous, high-strung and unstable. He was always moving while he was talking and was unable to stand still. She was of the opinion that he probably had a mental problem of some type.

[redacted] advised that the only tenants that would reside in the immediate vicinity of GIFFE's apartment at 9-C would be [redacted] who reside in Apartment 9-D; but are in Florida for the winter. [redacted] called on several occasions and complained about the wild parties that GIFFE was having in his apartment.

ME 164-76

4

They are the only tenants that resided in the immediate vicinity of GIFFE's apartment who would recall him.

[redacted] who is a nurse, used to talk with GIFFE and had parties on occasion with him.

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[redacted] who is a pilot, was also, at one time, a friend of GIFFE.

[redacted] used to be at the swimming pool on a frequent basis and would probably recall GIFFE and some of his annexes.

[redacted] advised that it was necessary to terminate GIFFE's lease because he was always behind in his rent, and he left owing \$105, and an additional \$100 deposit was retained from his original security deposit. He moved out on October 31, 1970.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/4/71

[redacted] Bavaria Apartments, Nashville, Tennessee, provided the following information:

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She first met GEORGE GIFFE, JR. around the Christmas season of 1970. She resided in the Bavaria Apartments at that time and met GIFFE socially and had attended several parties at the GIFFE apartment. She stated that she knew GIFFE as a perfect host who enjoyed having many people around him and was considered the life of the party. She stated that she had known SUSAN GIFFE and described SUSAN as a very nice individual.

She stated that GIFFE lived in an imaginary world and that she considered him to be very intelligent and always trying to pull off a big deal of some kind. She stated that knowing GEORGE and his personality as she did, she felt that when he was confronted with the problem in Jacksonville, he would have made some sort of a spectacular or grandstand type move since he would not be able to envision himself being other than the hero or center of attention.

[redacted] stated that she had been visiting [redacted] of the Bavaria Apartments, which is directly across the corridor from J-11 where GIFFE resided on the afternoon and evening of October 3, 1971. She stated that [redacted] and herself had a sewing machine in an automobile which they wanted to have moved into the apartment. They heard GIFFE going in and out of the apartment next to them and asked him if he would help carry the sewing machine in. She stated that GIFFE removed his gun from his pocket and gave it to [redacted] and then carried the sewing machine from the automobile into [redacted] apartment, placing it downstairs.

They stated they thought they wanted the sewing machine upstairs, but GEORGE did not offer to carry it upstairs and got his gun back from [redacted] and left.

On 11/2/71 at Nashville, Tennessee File # Memphis 164-76
Jacksonville 164-103

by SA [redacted] Date dictated 11/3/71

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ME 164-76

2

They commented that that was very unlike GEORGE because usually he was very accommodating and would do anything to help a friend.

She observed and heard GIFFE making several trips in and out of his apartment the afternoon and early evening and, on occasion, asked GEORGE if he was packing to go on a trip. He stated that he was going to Atlanta since the Cade Corporation had been funded, and he was going to pick up the currency. He stated at that time that SUSAN was at her mother's residence.

[] stated that she and [] had commented that GIFFE did not seem to be himself and was upset about something.

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[] stated that she had met [] on only one occasion at a party at the GIFFE residence. She stated she had no knowledge of [] or his activities except that he was supposed to be planning to open a night club in Nashville.

[] stated that after the GIFFE Apartment J-11 became vacant, she moved into the apartments and resides in the former GIFFE apartment at the present time.

FEDERAL BUREAU OF INVESTIGATION

1Date 11/5/71

[redacted] Bavaria Apartments, 450 Packard Drive, Apartment [redacted] Nashville, Tennessee, advised that she did not know GEORGE M. GIFFE, JR. She stated that she used to see GIFFE's wife, SUSAN, at the pool; however, she never spoke to SUSAN, nor does she have any knowledge of her personal activities.

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On 10/26/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/1/71

FEDERAL BUREAU OF INVESTIGATION

1

Date November 4, 1971

Records of the Circuit Court Clerk's Office, Nashville-Davidson County Courthouse, Public Square, Nashville, Tennessee, were reviewed and under case number D7132, the following information was obtained:

GEORGE M. GIFFE, JR., plaintiff, filed a complaint through his Attorney [redacted] on July 14, 1971, charging the defendants [redacted] with personal injuries, in connection with an automobile accident, and requested \$100,000 in personal damages. The complaint charged that on July 16, 1970, at 2:03 p.m., GIFFE, driving east on Fairfax Avenue in Nashville, approached Natchez Trace within the legal speed limit, and was there struck by [redacted] who was driving a 1962 Pontiac in a negligent manner. The complaint charged that [redacted] drove her vehicle into the right side of GIFFE's car, causing GIFFE to lose control and run head-on into a tree on the opposite side of Fairfax.

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The complaint continued that GIFFE was then thrown against the steering wheel, the windshield, resulting in injuries to his face, scalp, right leg, severe contusions and deep abrasions to his ankle, chest, shoulder, spine, and right side, and severe pain and disabling injuries to the muscle ligaments and boney tissues of the cervical, lumbar, and dorsal areas. He also received injury to his bladder. [redacted] address was shown as [redacted] and GIFFE's address was shown as Suite 810, 1808 West End Building. Trial date on this matter has not been held, and it is currently pending.

On 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/2/71

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/4/71

[redacted] advised that GEORGE GIFFE often talked about individuals named [redacted]. She stated that in reviewing some of the papers which she had obtained which belonged to [redacted] GIFFE, she had found pictures and on one of these pictures which depicted two male individuals in a fishing scene there was written on the back a notation [redacted] and me." [redacted] stated that in conversation with GEORGE GIFFE's mother she had determined that Mrs. GIFFE's father was an individual by the name of CABLEIGH HAYS, an attorney in Chattanooga, Tennessee, and that he had a friend by the name of [redacted]. She further stated that GEORGE GIFFE often referred to [redacted] as owning a Leer jet and as being someone that he often met at various airports and an individual with whom he traveled considerably. She stated that she is of the opinion that the person named [redacted] that GEORGE GIFFE talked about may have been a totally fictitious individual and stated that she recalls on one occasion that [redacted] SUSAN had told her that [redacted] was just a fictitious person.

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b7c

[redacted] stated that the other individual who was known as [redacted] may be identical to an individual named [redacted]. [redacted] stated that she came across this name among some papers which belonged to GEORGE GIFFE which was a personal financial statement of one [redacted] dated October 7, 1969, wherein [redacted] listed as debtors [redacted] indicating he was owed \$5,500 for six months which was a personal debt secured by stock with payment expected January 1, 1971.

[redacted] advised that [redacted] was an individual whom she had never met but was an individual she had heard GEORGE GIFFE speak of. [redacted] stated that approximately seven weeks ago she and [redacted] had to leave the apartment because GEORGE had a meeting with some business associates. She stated that on returning there were four used coffee cups on the table and that during the ensuing conversation with GEORGE GIFFE he mentioned the name [redacted] as being an individual who had been at the apartment. She stated that from the conversation she gained the impression that [redacted] was out of New York and had some connections with some financial arrangements which GIFFE was attempting to make. At this particular time GIFFE was

On 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/3/71

JK 164-103

ME 164-76

2

involved in an effort to raise money for a sand and gravel business and that the arrangements were to be that an individual named [] who had a farm in Fairview was to place a mortgage on the farm and then a bank in the Bahamas was to lend five times the amount of risk mortgage to them and they were then going to the people in New York who would lend them five times of the amount of money which was represented by the mortgage on the farm and the loan from the bank in the Bahamas. [] stated that she gained the impression that [] was probably one of the individuals in New York with whom GIFFE was dealing in this arrangement.

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[] stated that GEORGE was a very frustrated individual because of his business failures. She stated he was very eager to get the sand and gravel business going but that he was having very little success. She stated that GEORGE was the kind of person who was never content to perform any type of menial task or to hold any kind of job but he thought always of big schemes whereby he would make large sums of money. She stated that when these schemes failed he became very frustrated and despondent. She stated that in her opinion immediately prior to October 4, 1971, GEORGE GIFFE displayed two personalities. She stated in one of these personality situations he would be gracious, loving, kind and considerate while in the other he would be very treacherous and dangerous. She stated that GEORGE believed in witchcraft. She stated that she herself had read considerably concerning witchcraft because she found it a fascinating subject and had often exchanged books with GEORGE but stated that GEORGE found it more than fascinating and actually believed in reincarnation and in other factors of witchcraft.

She stated that she talked with GEORGE at approximately 9:00 PM for approximately 30 minutes on the Monday night of the hijacking of the airplane. She stated that she called GEORGE to advise him that she would be meeting SUSAN when she got off from work since they feared for SUSAN's safety. She stated that at that time GEORGE told her that he merely wanted to meet SUSAN and say good-bye and give her some money and indicated that he had things to straighten out and that he had over-stayed his time and he would be out of their lives but would see them again. She

JK 164-103

ME 164-76

3

stated when he first said this she had the impression that he was talking of reincarnation but that he went on to say that he would be mailing them postcards so she then just considered his remarks as being that of his taking a trip.

[] stated that GEORGE was subject to malaria attacks and that she had been present at one time when he had such an attack and that he was incoherent and rambled on in speaking of codes and missiles in Spain.

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b7C

[] stated that during this call that she made to GEORGE GIFFE at his apartment she heard a cough in the background and that immediately thereafter GEORGE coughed in an obvious effort to cover up the fact that there was someone else in the apartment.

[] stated that she was in the apartment of GEORGE GIFFE at one time when he displayed to her some elaborate plans for a gambling casino in Guadalupe. She stated that in connection with this SUSAN told her that GEORGE had microfilm which he had given to some people in the Bahamas in regard to this gambling casino. [] further stated that SUSAN had told her that GEORGE stated that he walked the line between legal and illegal activities but stated that SUSAN was very secretive and would not tell them any of the business concerning GIFFE because GIFFE was afraid they would get made at him and would tell and he would then be killed.

[] stated that she had no way of knowing whether any of the activities described had any substance at all since GEORGE lived a very strange and secretive life. She stated that he would at times indicate that he was leaving and would then return later in the day and state that he had flown to some distant city on business and they would later find out that he had actually been hanging around the airport all day.

[] advised that she did not know a [] but that she did recognize the Bank of Butterfield and Son Limited, Bermuda, as being an organization that dealt with GEORGE GIFFE and stated that at one time he had a visitor from Bermuda which was some time in the summer of 1970 who was from this bank and who was in town discussing some type of financial arrangements with GIFFE. She stated she did not

JK 164-103

ME 164-76

4

know this individual and did not know of any of the details surrounding GIFFE's dealing with the Butterfield Bank of Bermuda.

FEDERAL BUREAU OF INVESTIGATION

1.

Date of transcription November 24, 1971

[redacted]
[redacted] advised as follows:

b6
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He presently owns and operates [redacted]
[redacted] located [redacted] as
well as [redacted] located at the same
address. He first became acquainted with GEORGE GIFFE,
JR. in the late 1960's at which time he operated
[redacted] on [redacted] in [redacted]

In approximately 1967 GIFFE talked with him
about forming the Al Hirt Mardi Gras International
Club in Nashville and inquired of [redacted] if he would
be interested in joining the corporation. [redacted]
exhibited some interest in the organization, but
before the final plans were made, he, [redacted] moved
to Florida. While in Florida, he received numerous
communications from GIFFE stating that the corporation
was being formed and in approximately 1969 [redacted]
returned to Nashville and learned that GIFFE had
chartered the corporation and had interested [redacted]
[redacted] in also joining the corporation.

GIFFE had stock issued in the corporation
and he, [redacted] was given 237,500 shares of
stock and [redacted] was given
50,000 shares of stock. Under the stock agreement
he and [redacted] were to transfer title to certain
real estate held by them in Nashville to the corporation
but when [redacted] discovered that he had only received
50,000 shares of stock, he declined to transfer the
real estate and the corporation later ceased operation.

At a meeting in 1969 GIFFE announced that he
would serve as president and chairman of the board of
the corporation, which the [redacted] did not
particularly like, and he found GIFFE to be "less than
truthful" on numerous occasions and "never seemed to
tell the truth."

Interviewed on 11/15/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/19/71

GIFFE continued to make efforts to obtain financial backing for the Al Hirt's Mardi Gras International, but was unsuccessful in doing so and he, [redacted] still has in his possession the 237,500 shares of stock which were given to him by GIFFE but which are presently of no value. b6 b7C

GIFFE had set up the corporation with himself as president, [redacted] as executive vice-president, SUSAN GIFFE as secretary and treasurer, and [redacted] Al Hirt's representative in New York, New York, as an officer, title not recalled by [redacted]

[redacted] accompanied GIFFE to Atlanta, Georgia, during 1969, when an unknown woman desired to purchase a franchise for the Al Hirt organization. She agreed to pay \$50,000.00 for the franchise but GIFFE refused to complete the transaction since he wanted to operate a club in Nashville prior to selling a franchise to anyone outside of the Nashville area.

GIFFE was unsuccessful in obtaining finances for the corporation and, as noted, it ceased operation in approximately 1969.

He last talked with GIFFE on October 2, 1971, when GIFFE came by the liquor store to pick up a worthless check of \$85.00 which had been given to [redacted] on August 28, 1971, and which had been returned to the bank marked "Insufficient Funds."

At the time of this contact GIFFE advised him that he planned to leave Nashville and would be gone for approximately a week and when he returned he desired to talk to [redacted] about the purchase of stock in the Continental Research Consultants of Nashville, which GIFFE apparently was attempting to organize in Nashville.

ME 164-76

3

On one or two occasions GIFFE made the statement to him that he did not keep any money in Nashville banks but had funds in Swiss banks and "in the islands". He, [redacted] was of the opinion that GIFFE had no money in any bank, but attempted to impress people as a "big operator" but who actually had no money to finance any of the operations which he attempted to organize.

b6
b7C

GIFFE at no time made any statement to him indicating that he was connected with the CIA or the Mafia and in his opinion GIFFE was an individual who was "full of hot air" and cared very little for the truth.

ME 164-76

IV. DETAILS OF BACKGROUND INVESTIGATION
REGARDING SUBJECT

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FEDERAL BUREAU OF INVESTIGATION

Date 11/4/71

[REDACTED] Division of Vital Statistics, Department of Public Health, Nashville, Tennessee, furnished the following birth data from the records of that office:

b6
b7C

Birth certificate
number

Full name of child

Race

Sex.

Date of birth

Place of birth

White

Måle

Full name of
father

Maiden name of mother

On 11/3/71 at Nashville, Tennessee File # Memphis 164-76 Jacksonville 164-103

by IC _____ Date dictated 11/3/71

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/4/71b6
b7c

[redacted]
[redacted] was advised
of the identities of the interviewing Agents.

[redacted] advised that [redacted] is [redacted]
[redacted]
[redacted] telephone [redacted] is [redacted]
[redacted] name is [redacted]
age [redacted] residing in [redacted] father,
[redacted] died in March, 1971, of a heart attack, having been
self employed in Portland, Tennessee, as a roofer. He was
approximately 56 years of age at the time of his death. [redacted]
advised that [redacted] has the following additional relatives:

Sisters

[redacted] approximately 38
years of age, husband - [redacted]
residing at [redacted]
[redacted] is employed as a heavy
equipment operator, location
unknown.

[redacted] age approximately
35 years, husband - [redacted]
residing at [redacted]
[redacted] believed to be working
for [redacted]

Brother

[redacted] approximately 26 years of
age, employed as a roofer in
[redacted] area, where
he resides.

[redacted] advised that he and [redacted]
[redacted]
[redacted] and it is his recollection that sometime
after high school [redacted] joined the U. S. Navy. He believed
[redacted] took G.I. training at Yale and Towne Lock Company,

On 10/28/71 at Memphis, Tennessee File # ME 164-76

by SA [redacted] Date dictated 11/3/71
SA [redacted]

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Portland, Tennessee, after being discharged from the U.S. Navy.

The next thing he can recall about [] is that he went to Oregon, picking peas. He believed that is where [] are from. It seemed to him that [] was gone about one year and no more than two years on his trip to Oregon. The next thing he can recall about [] is his going to school, probably college.

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b7C

He stated that he did not have much contact with [] during these years and, therefore, may appear vague on exactly what, where, and when [] did these things. He stated he believed [] also attended college at least part of the time. He said he recalls her working for some outfit with the name Associates, possibly a finance company, in Gallatin, Tennessee. He noted that [] also worked for a while in Portland, Tennessee, roofing with his father and brother. He next recalls [] going to North Carolina where he is believed to have gone to work for Magnovox. He believed [] worked in the Magnovox Factory in North Carolina and that he was there no more than about two years.

The only thing [] could recall about [] in recent times is his going to school until he went into business in a lounge with a Negro whose first name is, he believed, [] (last name unknown).

After learning of [] involvement in the hijacking of an airplane, he visited the lounge in which [] was supposed to have part interest on or about October 8, 1971, at Nashville, Tennessee, while he, [] was visiting []. The only purpose he had in going to the lounge was to see what kind of place it was. Upon entering the lounge, he met the owner, [] (last name unknown), and introduced himself as [] and asked [] what happened. He recalled that [] said something like he did not know. He stated the bar was crowded with Negroes and he only stayed a few minutes.

[] stated he believed he had called [] on or about October 7, 1971, to see how things were going.

He stated that they live on [redacted] and they [redacted] asked [redacted] if he could be of any help to her and how things were. He asked her what happened and she told him she did not know. She told him that [redacted] had left the house that night, referring to the night of the hijacking, stating he had to take someone to the airport and he would be back in a few minutes. [redacted] said he gathered from talking with [redacted] that apparently [redacted] had been at the bar but had left and stopped by his home to tell [redacted] that he had to go to the airport to do a friend a favor. He told her he would be back in a few minutes.

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[redacted] stated he has never known [redacted] to carry or have a gun. He stated that [redacted] was big enough, 6'1" to 6'2", 210 pounds, that he did not need one. He said he has never known [redacted] to be pushy, violent, aggressive, or try in any way to hurt anyone.

He stated during the latter part of September, 1971, [redacted] called him in Memphis from Nashville and asked for \$600, which [redacted] told [redacted] he did not have. [redacted] said he needed it for a cooler for the bar and commented that he had sold 400 shares in the lounge. [redacted] further stated that he and [redacted] still controlled the bar. [redacted] recalled that the following day [redacted] called him back and [redacted] told him that he could loan him \$100 or \$150 but [redacted] said he did not need it, that he had everything squared away.

[redacted] called [redacted] on October 27, 1971, and told him that he needed \$500 for Federal bail money. [redacted] told [redacted] to get on a bus or drive to Memphis so that he, [redacted] could sit down with [redacted] and tell him what this whole thing was all about and they would see what they could do about the money. He stated he felt [redacted] would probably come to Memphis during the following week. [redacted] had informed him that he had five attorneys, one on retainer and four public defenders.

[redacted] said he did not know of any prior arrest of [redacted] and that [redacted] only comment concerning the case was that he had some serious charges against him.

ME 164-76

4

[] stated that he has never heard of or seen GEORGE MALLORY GIFFE, JR., or his wife, SUSAN GIFFE.

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[] stated he believed that [] had mentioned something to him about [] going to Europe during the spring or summer of 1970. He said he could not recall how, who, why, how long he was going, or with whom he went to Europe.

He stated that he does not know of any of [] friends or associates. He stated that he did not know the pilots who were involved in the hijacking and had only heard of the name BROTHERS in Nashville but did not associate it with an airline. He said he did not know anything about where [] banked, who any of his business associates were, or what if any health problems or mental problems he may have had. He stated that neither did he know or learn of any marital problems which [] may have had and he did not believe [] was a homosexual or associated with any homosexuals.

He stated that [] had hired the attorney, [] to represent [] in this matter.

[] emphasized that he had been completely honest with the interviewing Agents concerning this matter and he, too, was equally desirous of getting to the bottom of this matter. He stated that he would cooperate with the FBI in any way possible.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/16/71

[redacted]
[redacted] provided the following information:

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[redacted] is employed at [redacted] as [redacted]. He observed that [redacted] seemed to be depressed and was "down in the dumps" in June or July, 1971. He asked why she was not her usual self and she responded saying that [redacted] and some friends were going to try to open a restaurant business in Nashville. She stated they had previously decided that she would work and he was to attempt to finish his college work. She stated that this must have bothered him, the fact he was dependent upon [redacted] to support him. [redacted] stated that they were not sure about [redacted] decision to leave school and go into business. She said that was a trying time and there was much concern in their family.

[redacted] stated that again, sometime in September, 1971, he observed that [redacted] appeared to be depressed and really "down in the dumps." He again inquired as to what the problem was and she stated the restaurant [redacted] and his associates were trying to get organized was not progressing very well in that they needed \$1400 in order to finish the work and open the restaurant. She stated that [redacted] was unable to get the loan necessary to finance the rest of the business and they were afraid they might meet with failure.

[redacted] stated that he was concerned for the welfare of [redacted] at this time and he told her he did not feel that \$1400 should keep the business from going. He stated he would talk to [redacted] and see what they might suggest.

[redacted] called [redacted] and suggested that [redacted] present the overall plan for the club or restaurant in a proper business-like manner to the bankers in the area when he attempted to obtain his loan.

[redacted] stated that he called a friend of his at the [redacted] and his friend suggested that the [redacted]

On 11/12/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] Date dictated 11/13/71

ME 164-76

2

individuals contact a [] of the [] because the [] made loans to Negro businessmen in Nashville, Tennessee.

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[] told [] that he would guarantee the interest on a 90-day note loan for \$2,000 or \$2,500 if that would help obtain the loan.

[] stated he was to meet with the individuals who were involved in the club on Monday morning, following the hijacking. He stated the meeting had been arranged at the [] in the []. He stated that he went to the [] in [] and waited but when the individuals did not arrive he went on to his place of employment. He stated at that time he was unaware of the hijacking incident on the previous evening. He stated that [] was in his office talking with him when the Agents from the Nashville Resident Agency of the FBI arrived that morning to talk with her regarding the hijacking incident. She stated that [] had not returned home the previous evening from the club.

[] stated that upon learning of the hijacking he decided he would take no further action on recommending the loan or assuring the interest of the loan.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/15/71

Apartment Bavaria Apartments, 4501 Packard Road, Nashville, Tennessee, furnished the following information: b6
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He first became acquainted with GEORGE GIFFE, JR., about four years ago when he met him at a party. Some time thereafter GIFFE contacted him regarding the possible purchase of some copying equipment which is in the business of selling. At this time GIFFE was engaged in the real estate business. Later, after GIFFE moved into the Bavaria Apartments, he attended several parties at GIFFE's apartments and GIFFE attended several parties at his apartment. They did not become closely acquainted but were in contact occasionally on a social basis.

He had been aware for some period of time that GIFFE and his wife, SUSAN, were having some marital difficulties inasmuch as he had been present on several occasions when GEORGE and SUSAN had arguments. He felt that both GEORGE and SUSAN were about equally responsible for the arguments. He was aware that GEORGE GIFFE claimed to be having affairs with various females; however, he was of the opinion that this was just "talk" on the part of GEORGE and that there really was not anything to it. He recalled that on several occasions when GEORGE and SUSAN were having arguments, GEORGE would remark that if SUSAN ever left him he would not let any other man have her. He interpreted these remarks as just being "talk" and did not really think that GEORGE was serious about ever actually doing anything. GEORGE had never talked with him in any detail about his marital difficulties. He was aware that SUSAN GIFFE had left GEORGE approximately one week prior to GIFFE's involvement in the hijacking of an aircraft at Nashville, Tennessee, during early October, 1971.

He last saw GEORGE GIFFE, JR., on the afternoon of October 3, 1971, when GIFFE came to his apartment. He recalled that a football game was on television and he believed that it

Interviewed on 11/11/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA Date dictated 11/12/71

JK 164-103

ME 164-76

2

would have been approximately 12:00 noon or some time thereafter. GIFFE came to pick up a .12 gauge Hi-Standard pump action shotgun which he had loaned to [REDACTED] GIFFE did not say why he needed the shotgun. During the conversation GIFFE asked if [REDACTED] knew the name of a man who had attended a party recently at GIFFE's and who had a private pilot's license. [REDACTED] informed him that he did not know the man's name and that he knew that the man did not live in Nashville. GIFFE made no further mention of the matter and did not say why he was interested in contacting this man or learning his name. GIFFE did seem to be in a hurry and seemed preoccupied. This was not unusual, however, inasmuch as GIFFE was always somewhat preoccupied and "distant."

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b7C

He had met [REDACTED] at a party at GEORGE GIFFE's apartment approximately two or three months before the hijacking but this was the only time he had ever seen [REDACTED]. He did not engage in any conversation with [REDACTED] at the party and was not aware that GIFFE and [REDACTED] were engaged in any type of business activities together. He described GIFFE as being a "likeable" man who did a lot of "big talking." He was of the opinion that most of what GIFFE said was untrue and had never taken anything that GIFFE said particularly seriously.

ME 164-76
JN 164-103
JVB:tjm

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On November 12, 1971, [REDACTED]
[REDACTED] of Tree Publishing Company, 780 17th Avenue
South, Nashville, Tennessee, advised SA [REDACTED] that
[REDACTED] (LAST NAME UNKNOWN), [REDACTED] for Tree Publishing Company,
who was an associate of [REDACTED] is identical with
[REDACTED] for Tree Publishing Company, who
resides at the [REDACTED]
[REDACTED]

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/18/71

[redacted] Country Club, Nashville, Tennessee, provided the following information:

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[redacted] stated that [redacted] was familiar to him as a temporary bartender who had worked for [redacted] at a private catering party on May 15, 1971, as a part-time bartender. [redacted] also worked one night as a part-time bartender at the [redacted] Country Club on July 30, 1971.

[redacted] noted that he became acquainted with [redacted] through [redacted] who is the food buyer for the [redacted] Country Club.

[redacted] stated that on the two occasions [redacted] worked for him he was a most satisfactory employee. He remarked "I wish I had ten like him." [redacted] stated [redacted] was a good bartender, clean and neat in appearance, and had a nice way of expressing himself. [redacted] as very polite and well spoken. [redacted] stated that he was very impressed with [redacted] and was very surprised that [redacted] had been involved in the hijacking.

[redacted] noted that [redacted] had contacted him since [redacted] had returned from Florida. During the conversation [redacted] asked [redacted] what had happened, referring to the hijacking. [redacted] stated that he had become involved through "faulty connections." [redacted] said he had been asked by the man whom he had known five or six weeks prior to the hijacking to drive him to the airport but at the airport he was forced into the airplane himself. [redacted] stated he was confident that he would be proven innocent. [redacted] stated that he was guilty only by association.

[redacted] asked [redacted] if he could work for him at any catering parties. [redacted] stated that he told [redacted] he would have to clear himself before he could come back.

Interviewed on 11/16/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/16/71

JK164-103

ME 164-76

2

[] concluded the interview by stating that he was completely amazed that [] had gotten involved with a hijacking. [] stated that [] was the first person that would come to his mind whenever he needed an extra bartender.

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

11/18/71

Date of transcription

[redacted]
[redacted] home phone number [redacted] provided the following information:

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[redacted] is employed as a food buyer at the [redacted] Country Club, Nashville, Tennessee. He is [redacted] years of age. [redacted] attends the University of Tennessee at Nashville on a part-time basis.

[redacted] stated he became acquainted with [redacted] [redacted] during September, 1970, when they had a night class together at the University of Tennessee. At the end of that quarter, around the Christmas holidays, 1970, [redacted] had [redacted] and another couple, [redacted] [redacted] who was also taking the course at the University of Tennessee, over to his apartment at the [redacted] Apartments for cocktails.

Through the next quarter [redacted] studied for various tests together at [redacted] apartment. [redacted] also noted that he helped [redacted] move into an apartment at the [redacted] Apartments on [redacted] approximately May, 1970.

Around the middle of June, 1971, [redacted] and [redacted] and [redacted] went to Panama City, Florida, for a one-week vacation. After they returned to Nashville, [redacted] helped [redacted] paint some apartments at the [redacted] Apartments where [redacted] was the [redacted]

[redacted] and another male, whom [redacted] described as a white male, approximately 30, medium height and weight, who was from [redacted] came by [redacted] apartment around the middle of July, 1971, for a brief visit. [redacted] noted the two men only stayed for a few minutes. They had stopped by to look at [redacted] coin collection. [redacted] noted at that time that he was in [redacted]

Jacksonville 164-103

Memphis 164-76

Interviewed on 11/16/71 at Nashville, Tennessee

File #

by SA [redacted]

Date dictated

11/16/71

JK 164-103

ME 164-76

2

neighborhood to see someone about the vacuum cleaner. [redacted] stated that that was the last he actually saw [redacted]

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[redacted] noted that he subsequently talked with [redacted] a couple of times over the telephone after that time. [redacted] remarked to him in one of the conversations that he had bought a tavern with [redacted] (last name unknown) on Jo Johnson Street in Nashville.

[redacted] did not hear from [redacted] until after the hijacking at which time [redacted] called [redacted] and asked [redacted] if he knew where [redacted] could get a job. [redacted] told him that he did not know of any jobs available at this time. [redacted] noted that his attorney had told him not to go back to the tavern to work. [redacted] also asked if there would be any parties at the country club that he could help cater. [redacted] noted that he had, earlier in the year, referred [redacted] to [redacted] for part-time employment at catering affairs. At that time [redacted] advised that he would check at the country club for [redacted]

During the conversation [redacted] remarked that [redacted] was in a lot of trouble. [redacted] said "Yes, he was in a lot of trouble and it was going to cost a lot of money." [redacted] said "I was rooked into it. I'll tell you about it later."

[redacted] subsequently called the country club a few days later and asked [redacted] about a job. [redacted] just referred [redacted] to [redacted] who was standing near the phone.

[redacted] remarked that he could just not understand how [redacted] could have gotten involved in the hijacking. He noted that [redacted] seemed like a happy, easy-going likeable person who would not hurt anyone. He had never seen [redacted] angry.

[redacted] lastly stated that GEORGE M. GIFFE is unknown to him. He never heard [redacted] mentioned GIFFE's name.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/5/71

[redacted] advised that he first met GEORGE GIFFE on a Saturday before Labor Day, 1971. He stated that he met GIFFE through [redacted] and that he was introduced to GIFFE in connection with his attempting to arrange financing for his club which he was in the process of attempting to open in Nashville, Tennessee. He stated that his impression was that GIFFE was an individual with a high IQ but something missing. He stated GIFFE seemed to live in a dream world. He stated later he came to know him as a "phoney."

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b7c

[redacted] stated that GIFFE drank only Hamm's beer but that [redacted] drank normally Budweiser, Old German, or Hamm's.

[redacted] stated that in recalling the events of Sunday leading up to a departure of GIFFE and [redacted] in the airplane he recalls that he arrived at the club which he and [redacted] were operating, known as Labri Lounge, located at 1212 Jo Johnson Street in Nashville, Tennessee, at approximately 5:00 or 5:30 PM. He stated that shortly after he got there [redacted] left and that at about 6:30 GEORGE GIFFE arrived, got a beer, and asked for [redacted]. He stated he later learned that GIFFE had been in earlier when [redacted] was there and had bought beer for some of the individuals in the club. He stated GIFFE remained only a short period of time and departed and that [redacted] returned to the club between 8:00 and 8:30 PM. [redacted] stated that he and [redacted] remained at the club during the remainder of the evening except for a couple of errands which he [redacted] ran. He stated that at some time just before midnight, GIFFE returned to the club, remained approximately 15 or 20 minutes, at which time he and [redacted] had a conversation and GIFFE told him [redacted] that he could quit worrying about finances. He stated when [redacted] left he merely stated he had to go to the airport.

[redacted] stated that he was later told by [redacted] that he and GIFFE left the club to drive to the airport but that they instead went to the Holiday Inn where they met SUSAN when she got off from work. He stated that [redacted] told him that SUSAN got in the car and they drove around for a while and

On 11/3/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/3/71

JK 164-103

ME 164-76

2

that during this period of time GIFFE was driving and it was his [] impression from what [] told him that all three of them were riding in the front seat with SUSAN in the center. [] stated that [] indicated that GIFFE and SUSAN were having a small argument until they got to the airport at which time GIFFE indicated SUSAN was going on a trip with him and she became hysterical. He stated there was no indication from [] that he assisted in attempting to subdue her, although [] stated that he just assumed since she was in the center there was very little restraining to take place.

b6
b7C

[] stated that [] told him that GIFFE got out of the car to make arrangements for the flight and he stayed in the car with SUSAN. He stated that [] indicated that she somehow got out of the car in a hysterical condition and stumbled and fell and GIFFE told him to pick her up, which he did. [] stated that [] said that GIFFE had given him a gun prior to their arrival at the airport but that he did not recall whether he had the gun in his hand or not when he got on the airplane. [] stated that [] told him that he sat between the pilot and co-pilot and talked with them on the trip and that in this position he relayed orders from GIFFE to the pilot and co-pilot. He advised that [] told him that after they became airborne SUSAN quit being hysterical and just sat and stared "as if she knew something was going to happen." He said [] did not further explain this comment. He stated that [] told him that after they landed GIFFE ordered the pilot to request refueling and when he saw a car he thought it might be the FBI. [] stated that [] told him that at this point he asked GIFFE to let him take the co-pilot as a hostage and leave the plane and arrange for refueling which GIFFE agreed to. He stated [] told him that immediately after he left the airplane he was apprehended by the FBI.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/8/71

[redacted] Personnel Department, Eaton Corporation, formerly Eaton, Yale and Powne Corporation, Yale Avenue, Gallatin, advised as follows:

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b7C

[redacted] entered on duty at Eaton, Yale and Powne on August 7, 1961, in the Tool and Die Apprenticeship Program. He completed this program on April 12, 1965, and voluntarily terminated his employment. His work is shown as being average. At the time he began work there, he resided at [redacted] and while employed there, he also resided at [redacted] and [redacted] both [redacted]

Interviewed on 11/4/71 at Gallatin, Tennessee File # Jacksonville 164-103
Memphis 164-76
by SA [redacted] Date dictated 11/5/71

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FEDERAL BUREAU OF INVESTIGATION

1.

Date of transcription November 16, 1971

[redacted] Davis Welding Company, 722 South Second Street, Nashville, Tennessee, advised as follows:

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b7C

Approximately 6 or 7 years ago he met [redacted] who was at the time employed as a designer at the White Engineering Company of Nashville, Tennessee, which company has since ceased operation in Nashville.

[redacted] did consulting work at that time and was associated with Industrial Technical Service of Nashville.

After the White Engineering Company ceased operation in Nashville he employed [redacted] at the Industrial Technical Service which was in September of 1967. [redacted] worked for the company until March or April of 1968, when he was dismissed due to a lack of work on the part of the company and the company soon thereafter closed its operation in Nashville.

Since [redacted] left his employ he has kept in contact with him from time to time and knew that he had various employments in and around Nashville and at one time worked for the Worldwide Employment Agency. [redacted] is presently working at the Ambrose Printing Company in Nashville.

He always considered [redacted] as a very good employee, reliable, industrious, truthful, and a person of good character. [redacted] to his knowledge, was never in any difficulty and was never accused of violating the law in any manner. [redacted] at times seemed to resent the fact that [redacted] made more money than he did and on one occasion [redacted] wife bought him a sports car for a birthday present.

[redacted] always seemed to be a man devoted to his family and he, [redacted] was very much surprised to learn that he was involved in an alleged hijacking of an airplane in Nashville, Tennessee. He did not feel that [redacted]

Interviewed on 11/9/71 at Nashville, Tennessee

Jacksonville 164-103
File # Memphis 164-76

by SA [redacted]

Date dictated 11/13/71

ME 164-76
JK 163-103

2

was the type of individual who would be involved in something of this nature as he had always considered [] to be a very reliable and law abiding citizen. b6 b7C

He has never met GEORGE GIFFE, JR. and he has no knowledge concerning this individual.

[] concluded by stating that any statement he would make concerning [] would be favorable.

FEDERAL BUREAU OF INVESTIGATION

1

Date 11/16/71

[redacted]
Tennessee, was contacted and furnished the following information:

b6
b7C

[redacted] advised he is presently employed in the Consumer Marketing Section, Dairy Division, United States Department of Agriculture, Nashville, Tennessee. He advised he was formerly secretary-treasurer of the White Engineering Company, Nashville. He advised the White Engineering Company has discontinued its operations and is no longer in business.

[redacted] advised that one [redacted] Social Security Number [redacted] had been employed by the White Engineering Company when that company was in existence. [redacted] advised that the personnel record concerning [redacted] has been destroyed, but that he [redacted] does presently have a record of salary concerning [redacted] employment with the White Engineering Company.

[redacted] advised after referring to the record of salary for [redacted] that [redacted] was first employed by the White Engineering Company approximately July 25, 1968, and discontinued this employment on May 8, 1969. He advised that [redacted] employment was terminated approximately one month prior to the closing of the White Engineering Company business, but that the reason for this termination was that the White Engineering Company was going out of business. He advised that [redacted] first started to work for the White Engineering Company on an hourly-wage basis and earned approximately \$140 per week until December, 1968, at which time he was transferred from the drafting section of the business to the customer service and sales section at which time his salary was changed to a weekly basis of \$190 per week.

[redacted] advised that [redacted] had given an address of [redacted] at the time of his employment with the White Engineering Company.

[redacted] advised that he did not know [redacted] prior to [redacted] employment with the White Engineering Company, but during the time [redacted] was employed with this company he became fairly well acquainted with him. [redacted] advised that

On 11/15/71 at Nashville, Tennessee File # Memphis 164-76
Jacksonville 164-103

by SA [redacted] Date dictated 11/15/71

NE 164-76

2

he considered [] to be a very intelligent individual lacking in education and the type of person that was basically good, but in all likelihood associated with the wrong type of people. He advised he considered [] as being a type of person that would be very easily lead by someone else. He advised he did know that when [] employment was terminated with the White Engineering Company [] had stated he was going back to school to obtain a major in geography. He advised he did not know what [] activities were following his employment with the White Engineering Company.

b6
b7C

[] advised that [] while employed with the White Engineering Company. He advised he had recently heard that [] was involved in the hijacking of an airplane and when he heard this he was not surprised to any great extent. He advised that as previously stated he considered [] to be basically a good individual, but considered him to be the type of person that someone else could lead into anything. He stated he did know that [] at most times appeared to be in some financial difficulty, having a hard time to make a living on his salary.

FEDERAL BUREAU OF INVESTIGATION

1Date 11/4/71

[redacted] Employee, American Electric Fusion Company, 1808 Elmhill Pike, Nashville, Tennessee, was interviewed and furnished the following information:

b6
b7c

[redacted] advised that American Electric Fusion is a subsidiary of Wright Industries. [redacted] advised that he formerly was employed as personnel manager for the White Engineering Company, Nashville, Tennessee. [redacted] advised that he left his employment with the White Engineering Company during September, 1968. [redacted] advised that the White Engineering Company is no longer in business. He advised that [redacted] who is now employed with the Genesco Company, Nashville, Tennessee, was President of the White Engineering Company and that [redacted] who resides on [redacted] and is employed by the U. S. Department of Agriculture, was the Secretary-Treasurer of the White Engineering Company.

[redacted] further advised that [redacted] was a secretary for the White Engineering Company.

[redacted] advised that during approximately May, June or July, 1968 he, as personnel manager for the White Engineering Company, hired [redacted] as a Die Designer for the White Engineering Company. He advised that thereafter [redacted] worked as a Die Designer and Die Maker at an hourly wage of approximately \$3.60 per hour.

[redacted] advised that at the time he left the White Engineering Company in September, 1968, [redacted] was still employed with that company.

[redacted] advised that at no time did he note any indication of criminal traits in [redacted]. He advised that he had recently learned that [redacted] had been arrested concerning a hijacking of an airplane and was very much surprised when he heard of [redacted] problem. He advised that he was not a close personal friend of [redacted] and could not furnish any additional information concerning [redacted].

On 11/1/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/2/71

FEDERAL BUREAU OF INVESTIGATION

1.Date of transcription November 12, 1971

[redacted] Magnavox Company,
100 Oaks Shopping Center, Nashville, Tennessee, provided
the following information:

b6
b7C

[redacted] was advised that a business card for
Magnavox was found in the personal effects of [redacted]
[redacted]

[redacted] stated that their salesman have
business cards which they distribute to potential
customers. She noted this was the most likely explana-
tion for [redacted] having one of their cards.

She stated review of their records could find
no record for [redacted] as either a past or
present employee of Magnovox at Nashville.

Interviewed on 11/2/71 at Nashville, Tennessee

Jacksonville 164-103

File # Memphis 164-76

by SA [redacted]

Date dictated

11/9/71

FEDERAL BUREAU OF INVESTIGATION

1Date 11/4/71

[redacted] residence Apartment [redacted] Camelot Apartments, advised that she has been [redacted] since September 22, 1970. She became acquainted with [redacted] who was a tenant in Apartment [redacted] while he was a tenant. He was a model tenant and never created any problems. He always paid his rent on time, and to the best of her knowledge he was a stable individual. On at least two occasions he requested paint to repaint his apartment and was quite concerned with the decorating of his apartment, that it might be properly done. He apparently was going to school under some government program since his rent was usually held up until approximately the 15th or 20th of the month since he did not receive a check from the government until that time in the month. He advised her that he would be unable to pay on the first but it would have to be the 15th or 20th. She never saw him with any other individuals but was usually seen with a small dog.

b6
b7c

While he was a tenant he usually dressed in casual attire, wearing pants and a sports shirt, and had long but not shoulder length hair and a full beard. He usually left for school at approximately 2:30 PM. She did not know where he attended school but knew that he was a student. The only individual she knows of that might be able to furnish any additional information regarding [redacted] would be [redacted] [redacted] of Camelot Apartments prior to the time [redacted] lives in Apartment [redacted] and now works for the City Government of Southport, North Carolina, to the best of her knowledge. [redacted] also was the manager at one time and she is now the manager of the Country Squire Apartments.

On 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
SA [redacted] IC [redacted] VDB:ple 11/3/71
by _____ Date dictated _____
Memphis 164-76

FEDERAL BUREAU OF INVESTIGATION

1

Date: 11/4/71

[redacted] of the Camelot Apartments, Briley Parkway, Nashville, Tennessee, advised [redacted] on August 30, 1969, made application for an apartment and paid a \$150 security deposit plus a \$100 pet bond deposit since he had a small dog. [redacted] moved in apartment [redacted] on September 1, 1969, and lived in that apartment for a short time. A sewer line broke on one occasion and water overflowed into the apartment and it was necessary to move [redacted] out of that apartment into apartment [redacted] resided in apartment [redacted] until he moved out some time in April, 1971, and on May 6, 1971, his \$100 pet deposit was returned to him. He forfeited \$50 on his security deposit since he broke his lease by moving out. [redacted] had indicated to [redacted] that the reason he was moving out was that he was going to work as a maintenance man at the Country Squire Apartments in Nashville and while working as a maintenance man it would not be necessary for him to pay any rent.

b6
b7C

[redacted] gave his forwarding address as apartment [redacted] Country Squire Apartments, 108 Thompson Lane, and gave his reason for leaving as other employment. While residing in the Camelot Apartments he paid approximately \$165 monthly. He indicated on his lease agreement that there were three persons residing in his apartment. [redacted] indicated that he was aware that the only individuals residing in the apartment were [redacted]

[redacted] advised that [redacted] was a good tenant and always paid his rent on time and appeared to have an agreeable attitude and never created any problem while being a tenant. He appeared to be a stable individual and [redacted] was unable to comment further regarding his character, morals, or reputation. [redacted] indicated that he has never seen [redacted] in the company of any other individual and has never seen him in the company of even [redacted] was frequently seen with a small dog of unknown breed.

On 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76
by SA [redacted] VDB:ple 11/3/71
IC [redacted] Date dictated

JK 164-103

ME 164-76

2

Through conversations with [] on different occasions he had determined that [] was going to school and working part-time and [] was also working part-time. [] usually dressed in casual attire, wearing pants and shirts. [] seemed to recall that [] wore long but not shoulder length black hair and a full beard most of the time he was a tenant in the apartments.

b6
b7C

[] was unable to find the application for tenancy which [] filled out and indicated that numerous applications and records had been misplaced since the apartments had changed hands in February of 1971. Capital Management, a subsidiary of Kimbrough and Cavanaugh and Associates, were the previous operators.

All the apartments in the vicinity of apartment [] and apartment [] where [] resided while a tenant in the Camelot Apartments have been vacant for some time and were vacant while he was a tenant. The only persons that resides in the vicinity of [] apartment would be [] and [] who share an apartment, [] and have telephone number []. Either [] works at the American General Life Insurance Company. [] was unable to provide the names of any other individuals who would have been acquainted with [] while he was a tenant but indicated that possibly [] now [] of the Country Squire Apartments, might have some information on [] or []

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/27/71

1.

[redacted] Camelot Apartments, Nashville, Tennessee, advised that she has resided in the Camelot Apartments since February, 1970. When she moved in in February, 1970, [redacted]

b6
b7c

[redacted] resided in Apartment [redacted] immediately next door to her apartment. [redacted] advised that [redacted] always seemed to be stable individuals and she never had any complaints regarding them. She advised that they did have weekend parties approximately three to four times over a one-year period until they moved out in March, 1971. She advised that none of these parties were loud or unruly. To her knowledge, she never saw GEORGE MALLORY GIFFE, JR., at [redacted] apartment. [redacted] attended school someplace in the Nashville area and did at one time sell vacuum cleaners for an unknown company. [redacted] also was believed to be employed, but her place of employment was unknown.

She described [redacted] WALLACE as follows:

Sex	Male
Race	White
Age	33
Hair	Dark brown
Height	6'2"
Weight	260
Characteristics	Mustache and beard

[redacted] is described as follows:

Sex	Female
Race	White
Age	29-30
Height	5'4-5"
Weight	110
Children	[redacted] age [redacted] years

Interviewed on 11/23/71 at Nashville, Tennessee File # Memphis 164-76

SA [redacted]

11/25/71

by _____ Date dictated _____

FEDERAL BUREAU OF INVESTIGATION

Date of transcription November 16, 1971

[redacted] Country Squire Apartments, 108 Thompson Lane, Apartment [redacted] Nashville, Tennessee, advised that she has resided at this apartment for approximately one year. In January, 1971, [redacted] moved into the apartment building that she presently occupies. [redacted] held the position of assistant manager of the Country Squire Apartments.

b6
b7C

[redacted] stated that she knew [redacted] on a very casual basis. She never attended any parties given by [redacted] nor did she invite [redacted] to any social gatherings given by her. She does not know GEORGE M. GIFFE, JR.

[redacted] advised that [redacted] was a very friendly individual and seemed to get along well with the other occupants of the apartment complex. She did not see [redacted] for several days prior to October 4, 1971.

[redacted] stated that she believes that [redacted] who formerly resided at the Country Squire Apartments, was a friend of [redacted]. She does not know the present address or location of [redacted].

Interviewed on 11/11/71 at Nashville, TennesseeJacksonville 164-103
File # Memphis 164-76

SA [redacted]

11/15/71

by _____ Date dictated _____

FEDERAL BUREAU OF INVESTIGATION

1.Date of transcription November 11, 1971

[redacted] Hulse Distributing Company, Keystone Drive, Nashville, Tennessee, provided the following information:

b6
b7C

[redacted] was advised that a business card for his company was found in the personal effects of [redacted]
[redacted]

[redacted] stated that his company is a wholesale beer distributing company for Falstaff and Oertels beer. He stated that [redacted] is familiar to him as one of the customers of his company as a part-owner of the LaBri Lounge. He stated that [redacted] is not personally familiar to him. His only contact with [redacted] has been on a very limited business type relationship. He stated GEORGE M. GIFFE is not familiar to him.

Jacksonville 164-103

Interviewed on 11/2/71 at Nashville, Tennessee File # Memphis 164-76by SA [redacted] Date dictated 11/9/71

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FEDERAL BUREAU OF INVESTIGATION

1.Date of transcription November 12, 1971

[redacted] Hulse Distributing Company, Keystone Drive, Nashville, Tennessee, provided the following information:

b6
b7C

[redacted] was advised that a business card for Hulse Distributing Company was found in the personal effects of [redacted]

[redacted] stated that [redacted] is familiar to him as one of the owners of LaBri Lounge in Nashville.

[redacted] noted that he had become acquainted with [redacted] and his partner, [redacted] approximately two months ago when the two men approached him about opening a bar. He stated that he provided them with some tips on opening a bar.

He noted that currently the LaBri Lounge is a customer of the Hulse Distributing Company. He stated that the Hulse Distributing Company is currently holding a check for approximately \$200.00 returned marked "Insufficient Funds" from the LaBri Lounge for beer that they had purchased. [redacted] lastly stated that GEORGE M. GIFFE is not familiar to him.

Interviewed on 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76
by SA [redacted] Date dictated 11/9/71

FEDERAL BUREAU OF INVESTIGATION

1.Date of transcription November 12, 1971

[redacted] A & C Distributing Company, 1045 Visco Drive, provided the following information:

b6
b7C

[redacted] was advised that a business card for A & C Distributing Company was found in the personal effects of [redacted]

[redacted] stated that A & C Distributing Company is a wholesale beer distributor for Budwiser, Michelob and Busch Bavarian beer. She noted that the company route supervisors have business cards which they distribute to prospective customers. She stated that was the most likely explanation for [redacted] having one of their cards. She noted that [redacted] is not a current employee of their company, nor has he ever been.

She lastly stated that the LaBri Lounge is a customer of their company, having purchased beer totalling \$70.80 on October 1, 1971.

She noted that GEORGE M. GIFFE was unknown to the distributing company.

Interviewed on 11/2/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/9/71

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 11/8/71

[redacted]
Harvey's downtown store, Church Street, Nashville, advised as follows:

b6
b7C

In August 1962, [redacted] opened a revolving charge account at the Madison, Tennessee Harvey Store. At that time very little information was obtained from persons opening charge accounts, and thus Harvey's credit records contained no personal information concerning [redacted]. On September 17, 1969, [redacted] account was put up for collection, inasmuch as payment on the account was slow, and subsequently on September 18, 1969, [redacted] charge plate was destroyed. The account was paid off in April 1970, with a \$129.05, payment and the account is thus currently closed. Although [redacted] account was placed for collection on September 18, 1969, the collection proceedings were done within the Harvey's store and thus no collection agency was contacted concerning the account. [redacted] account shows the following addresses for her:

[redacted]
(last known address).

There is no Harvey's account in the name [redacted] [redacted] although he would be entitled to use [redacted] account.

Interviewed on 11/3/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76
by SA [redacted] Date dictated 11/5/71

FEDERAL BUREAU OF INVESTIGATION

1.Date of transcription November 12, 1971

[redacted] real estate agent, Edwin B. Raskin Company, Nashville, Tennessee, provided the following information:

b6
b7C

[redacted] was advised that a business card of his was found in the personal effects of [redacted]. He stated that he had given both [redacted] and his partner, [redacted] of the Labri Lounge his business card.

[redacted] stated that he had dealt with [redacted] and [redacted] when he acted as a real estate agent for the owner of the property, [redacted].

[redacted] only remembered that [redacted] claimed that he was working for [redacted] in the [redacted].

[redacted] lastly stated that GEORGE M. GIFFE is not familiar to him. He also did recall that approximately three weeks after he had executed the lease for [redacted] had called him and stated that they had spent more money on the building than they had anticipated. [redacted] is [redacted] knew where they could get a loan. [redacted] advised him that he had no recommendations where they could get additional funds.

Interviewed on 11/3/71 at Nashville, Tennessee

Jacksonville 164-103

File # Memphis 164-76

SA [redacted]

11/9/71

by _____ Date dictated _____

FEDERAL BUREAU OF INVESTIGATION

1

Date November 4, 1971

[redacted] Nashville-Davidson County Metropolitan Beer Board, Room 200, 802 Second Avenue South, advised that she had searched all available records of her office and could not locate a record concerning GEORGE MALLORY GIFFE, JR. In addition, she advised that she had searched records and could locate no record concerning a [redacted]. She advised that she had located a file concerning [redacted] and furnished the following information therefrom:

b6
b7C

[redacted] filed an application for a beer permit with the Beer Board on July 6, 1971, wherein they furnished the following information:

The club in which they would operate was to be known as the "Labri Lounge" at 1212 Joe Johnston Avenue, Nashville, Tennessee. Property owner of this property was [redacted]. [redacted] was shown as [redacted] and [redacted] was shown as [redacted]. [redacted] reported his date of birth as [redacted] and [redacted] was born [redacted]. Both were males, [redacted] was white and [redacted] was Negro. Both applicants certified that they would conduct this business, which was formerly operated by [redacted]. [redacted] indicated that he had been [redacted] of the Country Squire. They applied for on-sale permit and off-sale permit, and agreed to comply with the law regarding sales, storage, and manufacture of beer or other like beverages. The restaurant was to be a short-order restaurant with no dancing or no cabins rented. [redacted] had a [redacted] arrest on file with the Nashville Police Department under their number [redacted] under the date of [redacted]. In this arrest, furnished to the Beer Board, he was described as a Negro male born [redacted] at [redacted] 6'2", 200 pounds, brown eyes, black hair.

The Beer Board met with these 2 individuals on July 26, 1971 and granted the permit, which was issued to them on July 28, 1971.

On 11/1/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/2/71

ME 164-76

2

[redacted] stated that the beer license has not been surrendered and is currently valid.

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 11/16/71

[redacted]
Veterans Administration, United States Courthouse, Nashville, Tennessee, advised as follows:

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b7C

According to the files of the Veterans Administration, Nashville, Tennessee, under claim number [redacted] [redacted] made application for educational assistance on June 20, 1966, at which time he listed his address as [redacted]

On the application [redacted] gave his date of birth as [redacted] and indicated that he entered on duty with the United States Navy May 24, 1957 and was discharged May 16, 1961, under Navy Serial Number [redacted]

The application for educational assistance indicated that [redacted] planned to further his education at Cumberland College, where he planned to seek a BS degree in mechanical engineering. [redacted] was granted the requested assistance and entered Cumberland College in the fall of 1966 but withdrew October 7, 1966, at which time his assistance payments were terminated.

The file further disclosed that [redacted] entered the University of Tennessee Extension School at Nashville, Tennessee in January, 1968 and attended there through June 4, 1971, at which time he discontinued his education.

Money received by [redacted] in 1966 through 1971 varied from time to time depending on the number of hours pursued and ranged from \$114 per month to \$230 per month.

The file failed to disclose any information or record whereby [redacted] applied for assistance under the Veterans Administration other than for educational purposes.

Interviewed on 11/5/71 at Nashville, Tennessee File # Memphis 159-76

by SA [redacted] Date dictated 11/11/71

JK 164-103
ME 164-76
AHQ:ln

1

AT GALLATIN, TENNESSEE:

The following investigation was conducted by
SA [REDACTED]

b6
b7C

On November 1, 1971, [REDACTED]
[REDACTED] advised
that several years ago [REDACTED]
[REDACTED] opened a small joint checking account at that
bank. This checking account currently has a .25¢ balance,
although there has been no activity in this checking account
in several years. At the time this account was opened, the
only papers that [REDACTED] filled out were signature
cards. [REDACTED] have never had a loan at that bank
nor have they ever had a savings account at that bank.
The checking account has always been handled in a satis-
factory manner.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 11/8/71

[redacted]
[redacted] advised as follows:

She is acquainted with [redacted] who has resided down the road from her at [redacted] for the past fourteen or fifteen years. She is acquainted with [redacted] although it has been about ten years since [redacted] lived with his mother. She has not had much contact with [redacted] since [redacted] left his mother's residence upon entering the United States Navy. She has never known [redacted] to be in any trouble prior to his recent arrest at Jacksonville, Florida. She does not know any of his current associates. To her knowledge, [redacted] met his wife while in the United States Navy, and she believes [redacted] is from the State of Washington.

b6
b7C

Interviewed on 11/1/71 at Cottontown, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted]

Date dictated 11/5/71

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 11/8/71

[redacted]
[redacted] advised as follows:

b6
b7C

She is acquainted with [redacted] who lives down the road from her. She is also acquainted with [redacted] was the best man at her son's wedding, her son being [redacted]. This wedding took place about eight years ago, however, her son has not been close to [redacted] in the last few years. She has never known [redacted] to be in any trouble with the law prior to his recent arrest in Jacksonville, Florida. She has never known [redacted] to drink to excess and has never noted any emotional stability on his part. She believes that [redacted] is from the State of Oregon. She recalls that in approximately the Spring of 1969, [redacted] moved to either North Carolina or South Carolina, but stayed there less than a year. She knows nothing of [redacted] recent associates. [redacted] has not lived at home with his mother since he got out of the United States Navy, about ten years ago.

Interviewed on 11/1/71 at Nashville, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/5/71

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/8/71

[redacted] advised as follows:

b6
b7C

She knows [redacted] who formerly lived in the Clearview Community, until about 15 years ago. She attended [redacted] High School, currently called [redacted] High School, with [redacted] although [redacted] was a couple of years ahead of her. In high school, [redacted] was always "the class clown" and was a likeable individual. She does not know any of his current associates and she does not know his wife. She has never observed any emotional stability on the part of [redacted]

Interviewed on 11/1/71 at Cottontown, Tennessee File # Jacksonville 164-103
Memphis 164-76

by SA [redacted] Date dictated 11/5/71

FEDERAL BUREAU OF INVESTIGATION

1Date November 12, 1971

[redacted] employed as a Tool Room Foreman, Eaton, Incorporated, Yale Avenue, Gallatin, Tennessee, advised as follows:

b6
b7C

He is acquainted with [redacted] inasmuch as he worked with [redacted] while [redacted] was employed at Eaton during 1961 through 1965. He has had little contact with [redacted] since 1965 and he has never associated with [redacted] socially. He last saw [redacted] about a year ago when [redacted] came by Eaton, Incorporated, concerning some type of tool and die work. He does not know any of [redacted] current associates and knows almost nothing about [redacted] activities since 1965 except he knows that [redacted] was employed at the Key Manufacturing Company, Gallatin, and the White Engineering Company in Nashville since 1965. He never noticed any signs of emotional instability on [redacted] part.

On 11/10/71 at Gallatin, Tennessee File # Jacksonville 164-103
Memphis 164-76
by SA [redacted] Date dictated 11/11/71

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V. CIVIL ACTIONS FILED WITH U. S. DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, TENNESSEE

A. Letter which serves as a short brief and argument with attached proposed order filed November 3, 1971, by petitioners.

B. Order of U. S. District Court Judge FRANK GRAY, JR., Middle District of Tennessee, Nashville, filed November 3, 1971.

C. Supplemental letter filed November 4, 1971, by petitioners.

D. Supplemental brief in opposition to petition to perpetuate evidence filed November 4, 1971, by Government.

E. Letter in response to the defendant's supplemental brief filed November 5, 1971, by petitioners.

F. Letter with attached affidavit filed November 9, 1971, by petitioners.

G. Order of U. S. District Court Judge FRANK GRAY, JR., Middle District of Tennessee, Nashville, filed November 11, 1971.

H. Letter with attached speech of Director, FBI, filed November 18, 1971, by petitioners.

I. Letter with attached interrogatories submitted in accordance with court order of November 11, 1971, filed November 24, 1971, by petitioners.

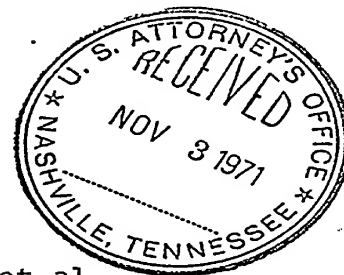
GULLETT, STEELE, SANFORD, ROBINSON & MERRITT

D. D. GULLETT
THOMAS WARDLAW STEELE
VALERIUS SANFORD
JACK WRIGHT ROBINSON
GILBERT S. MERRITT
J. MURRAY MILLIKEN
G. THOMAS SHIELDS
OLIVER B. DICKINS, JR.

TWENTY-THIRD FLOOR, LIFE & CASUALTY TOWER
NASHVILLE, TENNESSEE 37219
TELEPHONE (615) 244-4994

November 3, 1971

Honorable Frank Gray, Jr., Chief Judge
United States District Court
United States Courthouse
Nashville, Tennessee



Re: Mrs. Brent Quinton Downs, et al
v. United States of America,
Civil Action No. 6348

Dear Judge Gray:

As suggested by Your Honor at the hearing, this letter will serve as our short Brief and Argument relative to the specific matters of discovery which we seek in our petition filed in this cause.

Generally speaking, it is our position that since the perpetuation of testimony is sought herein in potential federal tort liability claims, it may be had against the United States in the same manner that it could be had against any private litigant unless some of the matters and things sought to be discovered and perpetuated are privileged. This necessarily results because it is so well established as not to require citation of authority that in federal tort claims liability cases, the government has assumed the role of a private litigant to the extent that it has consented to be sued. Therefore, unless some privilege attaches to the matters sought to be perpetuated, the United States as a party in this proceeding is subject to the same orders as a private litigant would be.

The matters and things which are relevant to the development of the petitioners' federal tort claims liability cases are, by general description, as follows:

1. The knowledge imparted to and possessed by FBI and FAA agents of the circumstances aboard the hijacked plane from the time of its departure from Nashville, Tennessee, at or around 1:00 A.M., C.D.T., on October 4, 1971, until the conclusion of the incident in Jacksonville, Florida, around 11:00 A.M., E.D.T., on October 4, 1971, and the extent to which such knowledge was communicated to government agents at the airport in Jacksonville,

Honorable Frank Gray, Jr., Chief Judge
November 3, 1971
Page 2

Florida, with particular reference to knowledge of the dangerous propensities of Mr. Giffe and the resultant risk therefrom to other occupants of the plane and the plane itself.

2. All actions, decisions, communications and knowledge of all of the FBI and FAA personnel in the environs of the Jacksonville airport who were fact-witnesses to the occurrences there with reference to the hijacked plane, including such knowledge and communications as were imparted to them by others not present and including the development of all facts as to what actually happened to the hijacked plane and its occupants in the environs of the Jacksonville airport.

3. The validation of the tape recordings of communications between various FAA control points and the hijacked plane, which tape recordings have now been made a part of the record in this case, including the establishment of which FAA or FBI agents made what voice transmissions on said tapes. In this connection, it should be noted that on the tapes themselves, while there is some identity of the communicator as an FBI agent or an FAA agent, in no instance is the name of the person making the communication identified on the tapes.

4. The existence of any policies, agreements or arrangements between agencies of the United States which conferred authority upon a particular agency for the handling of hijacked planes and if such policies, agreements or arrangements existed, whether or not the same were followed in this case. Included in this general category is also the question of whether or not the handling of the hijacked aircraft at the Jacksonville airport was in any way determined by decisions made by FAA or FBI personnel who were superiors to the actual agents on the scene. These matters are made relevant by the necessity of discovering any possible defense based upon the discretionary function exception in the Federal Tort Claims Act.

In our petition filed herein and the amendment thereto, we summarize the nature of the connection of each of the witnesses with the hijacked plane incident, and we believe that that summary is sufficient to indicate the fact that the deposition of each of those witnesses is a proper subject of discovery herein since, according to petitioners' information, each of them is a fact-witness to the happenings in the environs of Nashville and Jacksonville. We earnestly submit that there is no privilege attached to the testimony of any of these witnesses in these cases. This would seem to be made clear by Universal Airlines v. Eastern

Airlines, 188 F.2d 993 (D.C. Cir. 1951).*

We now turn to a discussion of the matters sought to be produced for perpetuation under Rule 34 in this proceeding. It would seem obvious from the foregoing that in addition to the depositions of fact-witnesses, we are entitled to have the United States produce and deliver tangible objects, recordings, documents, photographs and writings in the possession or control of government agents which are relevant to the aforesaid subject matters, for copying or photographing, but with certain exceptions, hereinafter discussed.

Reynolds v. United States, 192 F.2d 987 (3rd Cir. 1951), involved Tort Claims Act actions by three widows of deceased civilians killed in the crash of an Air Force plane. The plaintiffs made a motion under Rule 34 for production of the official investigation report prepared by officers of the Air Force and statements of the surviving crew members taken in connection with that investigation. The government resisted on the grounds of two types of privilege. The first of these was a regulation of the department which provided that the responsibility for the release of reports of boards or officers, special accident reports, etc., rested solely with the Secretary of the Air Force. The court brushed aside this claim of privilege in holding that if, in fact, the matters sought were required to be produced under Rule 34, it was the duty of the Secretary of the Air Force to produce them since the United States was itself the defendant. The next privilege claimed by the government was based upon the necessity of restricting the use of aircraft accident reports so as to insure the collection of all pertinent information and the development of measures for the prevention of accidents. On this point, the court held, at page 994:

"But we do not think that in the present case brought under the Federal Tort Claims Act the Department of the Air Force is entitled to the absolute 'housekeeping' privilege which it asserts against disclosing any statements or reports relating to this airplane accident regardless of their contents."

And, at page 995:

" . . . we regard the recognition of such a sweeping privilege . . . as contrary to a sound public

*As to limitations upon production under Rule 34, the case is distinguishable because the government was not a party. See Reynolds v. United States, 192 F.2d 987 (3rd Cir. 1951).

Honorable Frank Gray, Jr., Chief Judge
November 3, 1971
Page 4

policy. . . . it is but a small step to assert a privilege against any disclosure of records merely because they might prove embarrassing to government officers."

Finally, the government claimed privilege on the basis of state secrets of a military character. On this point, the court held that such matters claimed to be thus privileged should be submitted to the court in camera for determination by the judge as to their disclosure. In Reynolds, because of the refusal of the government to produce in compliance with the court order, a judgment of liability against the government was rendered and sustained.

On the other hand, we concede that we are not entitled to have produced evidence obtained by government agents through interviews of persons other than government agents or employees bearing upon the guilt or innocence of the defendant Wallace or offenses with which he is charged and that in the production of such matters, the government should be permitted to delete any such evidence from reports furnished to petitioners' counsel. We further concede that we should not be entitled to discover opinions, conclusions and observations of government agents and employees, other than fact-witnesses, as to the guilt or innocence of Mr. Wallace or as to the conduct of government agents in the handling of the hijacked aircraft. We do not intend by this concession, however, to eliminate interviews with fact-witnesses taken by government agents and employees as to the subject matter of discovery stated above. Other than in these two categories, we respectfully submit that we are entitled to have produced all of the tangible evidence sought to be produced and relevant to the subject matter stated hereinabove. The extent, breadth and depth of permissible perpetuation under Rule 27 and Rule 34 for the perpetuation of evidence is clearly illustrated by Martin v. Reynolds Metals Corp., 297 F.2d 49 (9th Cir. 1961). We are not aware of any privilege that attaches to any such matters and submit that there is none. It hardly need be said that the tangible objects and results of the government's investigation of the hijacking incident are essential to test the recollection and veracity of the witnesses who are deposed, and in most instances will constitute the best evidence of the facts and happenings surrounding the hijacking incident which are relevant to the development of the petitioners' cases.

In the light of the foregoing, we are taking the liberty of submitting herewith a draft of a suggested portion of Your Honor's order covering the permitted perpetuation which we seek

Honorable Frank Gray, Jr., Chief Judge
November 3, 1971
Page 5

in this proceeding. We believe that the enclosed draft will properly permit the perpetuation of evidence under Rule 27 and Rule 34 and will afford the United States protection in the areas in which we concede it is entitled to protection against disclosure.

Respectfully submitted,

GULLETT, STEELE, SANFORD,
ROBINSON & MERRITT


Thomas Wardlaw Steele


Gilbert S. Merritt

BUTLER, McHUGH, BUTLER, TUNE & WATTS


Jack A. Butler

Certificate of Service

I hereby certify that a copy of the foregoing letter has been served upon Honorable Charles H. Anderson by delivering the same to him at his office in the United States Courthouse, Nashville, Tennessee, on this 3rd day of November, 1971.



IN THE UNITED STATES DISTRICT COURT FOR MIDDLE TENNESSEE

Nashville Division

MRS. BRENT QUINTON DOWNS and)
ANDREW ARTHUR DOWNS, 622 Paces)
Ferry Road, Nashville, Tennessee,)

SUSAN GERMAINE GIFFE and MAJOR)
and MRS. JOSEPH S. LAKICH, 4122)
Moss Rose Drive, Nashville,)
Tennessee,)

BIG BROTHER AIRCRAFT, INC., and)
M. P. BROTHERS, JR., Nashville)
Metropolitan Airport, Nashville,)
Tennessee,)

RULE NO. 27

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

O R D E R

On petition for an order requiring production of documents
and authorizing the taking of depositions for the purpose of perpetu-
ating evidence under Rule 27 of the Federal Rules of Civil Procedure,
upon briefs and argument of counsel,

IT IS HEREBY ORDERED that petitioners are entitled to
secure and perpetuate evidence in the possession or control of the
defendant respecting the following subject matter:

The knowledge in the possession of agents and
employees of the Federal Bureau of Investigation
and the Federal Aviation Administration prior to
4:30 a.m. eastern daylight time, October 4, 1971,
regarding the hijacked Big Brother Aircraft plane,
its occupants and the risks involved in the course
of action followed by government agents in
handling the hijacking. The name, activity, con-
duct and communications of each agent or employee
of the government participating in the government's
handling of the hijacking from 1:00 a.m. to 11:00 a.m.
eastern daylight time, October 4, 1971. Information
about the activity from 4:00 a.m. to 5:00 a.m.
eastern daylight time, October 4, 1971, inside the

insert sentence
designation on
page 2 A

*transposed
sentence as
designated
on page 1*

hijacked plane acquired by government agents and employees as a result of personal knowledge and observation or physical examination, scientific tests and geometric or mathematical calculations or measurements. ^{photographs,} The instructions, if any, from higher authority which may have prompted each such agent's or employee's conduct and communications, and from whom said instructions were received and by what means. The formal and informal procedures and guidelines issued by government agencies to employees and agents of the government in connection with the handling of air piracy.

IT IS ORDERED that on or before December 1, 1971, the defendant deliver to petitioners, or their attorneys, tangible objects, ^{photographs,} recordings, documents and writings in its possession or control relevant to the aforesaid subject matter, or make such documents and writings available to petitioners or their attorneys for copying or photographing, at the offices of the Honorable Charles H. Anderson, United States Attorney for the Middle District of Tennessee; provided the defendant shall not be required to deliver evidence obtained through interviews of persons other than agents or employees of the defendant bearing upon the guilt or innocence of Bobby Wayne Wallace of offenses for which he has been charged and the defendant may delete any such evidence from reports furnished to petitioners in accordance with this order.

The petitioners or their attorneys shall file with the Clerk of this Court an itemized list of all such tangible evidence, ^{photographs,} recordings, statements, writings and reports delivered by defendant to petitioners or made available to petitioners for copying or photographing.

IT IS FURTHER ORDERED that petitioners are hereby granted leave to take the depositions upon oral examination of the individuals identified below respecting the subject matter set out above. Each deposition shall be taken in accordance with the procedure provided in Rules 26 and 30 Federal Rules of Civil Procedure, and notice of the time and place of such examination shall be served on the Honorable Charles H. Anderson, United States Attorney for the Middle District of Tennessee and upon the individual whose deposition is to be taken at least ten (10) days prior to the taking of his testimony. The

original deposition of each such individual shall be filed in this proceeding for preservation and perpetuation for use in such litigation arising out of the aforesaid incident as may hereafter be brought by petitioners.

- (i) Bernard Sloan, an employee of the Federal Aviation Administration who allegedly operated the Jacksonville tower radio communication with the hijacked airplane.
- (ii) Carrol Bright, an employee of the Federal Aviation Administration, who allegedly was present in the Jacksonville tower at the time of the hijack and supervised the activities of the Federal Aviation Administration.
- (iii) Frank Burns, an agent of the Federal Bureau of Investigation, who allegedly operated the FBI's radio communications with the hijacked plane at the Jacksonville tower and also operated the FBI's radio communications with FBI agents on the ground near the aircraft after it landed.
- (iv) James J. O'Connor, the FBI field agent allegedly present at the Jacksonville airport when the hijacked plane landed and in charge of the group of FBI agents who stopped, refused to refuel and fired upon the plane.
- (v) George McBride, George Murphy, Dalton Mayo and Jack Faalfield, allegedly the group of FBI agents present at the Jacksonville airport in the immediate vicinity of the hijacked airplane at the time the FBI refused to refuel and began firing upon the airplane.
- (vi) James K. Jetton, an FAA employee who allegedly was the radio controller handling the hijacked aircraft at the Jacksonville Center in Hilliard, Florida.

- (vii) Joe M. Hinson, an FAA supervisor who allegedly monitored James K. Jetton's handling of the hijacked aircraft at the Jacksonville Center.
- (viii) Buddy C. Friedlin, an FAA supervisor at the Jacksonville Center who allegedly made a land line call to Jacksonville tower to ascertain if the pilot's request for refueling, etc., were to be complied with.
- (ix) Roger Meyer, an FBI agent stationed in Nashville, Tennessee, who allegedly talked to Major and Mrs. Joseph S. Lakich concerning the hijacking of the aircraft on the night it occurred, both prior to and subsequent to its arrival in Jacksonville, Florida, and who was allegedly informed by them of the dangerous propensities of one of the passengers thereon if thwarted in his plans for the hijacked aircraft.
- (x) Any other federal employees who were present at the Jacksonville Tower at the time of the communication between it and the hijacked aircraft by radio communications or at the time of radio or telephone communications between FBI agents present in the Tower during the incident described in the petition.

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RECEIVED FOR ENTRY

NOV 9 - 1971

BRADON, JAMES, Clerk
BY *[Signature]*

BIG BROTHER AIRCRAFT, INC.]

VS.]

CIVIL NO. 6322

JOHN A. WOLFE, ET AL.]

MRS. BESSIE QUINTON DOWNS, ET AL.]

VS.]

CIVIL NO. 6348

UNITED STATES OF AMERICA]

ORDER

These actions came on for hearing November 2, 1971,
on all pending matters therein.

The first question considered by the court was
whether the document which purported to be a transcript of
certain tape recordings made of conversations between the
aircraft described in the pleadings and various Government
personnel on the ground, which transcript had been filed,
under seal, by the petitioners for in camera inspection by
the court, should be made a part of the record. The court
held that no element of privacy is involved in conversations
between pilots and ground personnel, Brown v. C.A.B., 324
F.2d 523 (6th Cir. 1963), and directed that such transcript

be made a part of the record in Civil Action No. 6348. The court next considered the application of petitioners in Civil Action No. 6348 to perpetuate testimony under Rules 27 and 34, Federal Rules of Civil Procedure. The court rejected the Government's first objection thereto, grounded on the assertion by the Government that the petitioners could not bring an action against the United States under the Federal Tort Claims Act and, therefore, that there was no "... matter that may be cognizable in any court of the United States," as required by the provisions of Rule 27, supra. In so holding, the court did not rule that relief could be granted in any prospective Federal Tort Claims action, but noted that such a determination must await the filing of such action and its testing by a motion to dismiss or other pleading.

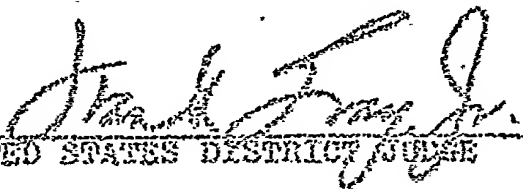
The court also held that, since all of the petitioners, according to the pleadings, reside in this District, venue could be properly laid herein under the provisions of 28 U.S.C. § 1402.

Having held that this is a proper forum for determination of petitioners' application to perpetuate testimony, the court stated that, although it was of the opinion that some relief should be granted, the variety of the matters sought to be discovered would require separate and detailed consideration, and the petition would, therefore, be taken under advisement.

In response to an inquiry by counsel for petitioners, the court held that taped re-recordings of the original recordings referred to, supra, were of the same non-private character as the transcript heretofore discussed and could, therefore, be made public if desired. At this point, counsel for HLAC-TV, Incorporated, moved to dismiss the intervening petitions heretofore filed by it herein, which motion was

intervene heretofore filed by WSH, Incorporated; however, after the close of the hearing, such intervenor filed notices of dismissal herein, which notices are treated as motions to dismiss without prejudice and are GRANTED:

It is so ORDERED.


UNITED STATES DISTRICT JUDGE

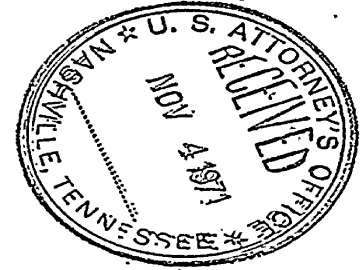
GULLETT, STEELE, SANFORD, ROBINSON & MERRITT

D. D. GULLETT
 THOMAS WAROLAW STEELE
 VALERIUS SANFORD
 JACK WRIGHT ROBINSON
 GILBERT S. MERRITT
 J. MURRAY MILLIKEN
 G. THOMAS SHIELDS
 OLIVER B. DICKINS, JR.

TWENTY-THIRD FLOOR, LIFE & CASUALTY TOWER
 NASHVILLE, TENNESSEE 37219
 TELEPHONE (615) 244-4994

November 4, 1971

Honorable Frank Gray, Jr., Chief Judge
 United States District Court
 United States Courthouse
 Nashville, Tennessee



Re: Mrs. Brent Quinton Downs, et al
 v. United States of America,
 Civil Action No. 6348

Dear Judge Gray:

Supplementing our letter to you of yesterday, we, through inadvertence, neglected to include therein the ultimate disposition of the case of Reynolds v. United States, 192 F.2d 987, cited and relied upon by us on the production of matters and things under Rule 34. The ultimate disposition of the case, discussed hereinafter, in no way weakens its holding on the liability of the United States to produce under Rule 34 as any other private litigant would be required to produce when the United States is a party to the Federal Tort Claims Act cases.

The Supreme Court of the United States reversed Reynolds v. United States at 345 U.S. 1, 73 S.Ct. 528. It is important to note, however, that the reversal was predicated solely upon the proposition that when the Secretary of the Air Force filed a formal claim of privilege based upon the privilege against revealing military secrets, said claim of privilege, on this grounds, should have been sustained and accepted by the court. In so holding, however, the Supreme Court said, at page 6, 531:

"The Tort Claims Act expressly makes the Federal Rules of Civil Procedure applicable to suits against the United States. The judgment in this case imposed liability upon the Government by operation of Rule 37, for refusal to produce documents under Rule 34. Since Rule 34 compels production only of matters 'not privileged,' the essential question is whether there was a valid claim of privilege under the Rule. We hold that there was . . .

Honorable Frank Gray, Jr., Chief Judge
November 4, 1971
Page 2

"We think it should be clear that the term 'not privileged' as used in Rule 34, refers to 'privileges' as that term is understood in the law of evidence. When the Secretary of the Air Force lodged his formal 'Claim of Privilege,' he attempted therein to invoke the privilege against revealing military secrets, a privilege which is well established in the law of evidence. . . ."

In reversing, the Supreme Court carefully rested its holding solely upon the recognition of the validity of the claim of privilege based upon the revelation of military secrets. The opinion recognized and recited the lower court's overruling of the government's other claims of privilege and gave no indication that such overruling was in any way improper; nor did the Court disapprove in any manner the lower court's finding that good cause had been shown for production. The sole question decided by the Supreme Court was whether or not the trial court could require a showing of the claimed privilege matter to determine whether or not it was appropriate for the claim of privilege. On this point, the Supreme Court said, at page 532:

"The privilege belongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer. The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. The latter requirement is the only one which presents real difficulty. . . ."

The Court, after taking judicial notice that the case occurred in a time of vigorous preparation for national defense and the record disclosed that the plane involved was testing secret electronic equipment, said, at page 533:

"Of course, even with this information before him, the trial judge was in no position to decide that the report was privileged until there had been a formal claim of privilege. Thus it was entirely proper to rule initially that petitioner had shown probable cause for discovery of the documents. . . ." (Emphasis supplied.)

Honorable Frank Gray, Jr., Chief Judge
November 4, 1971
Page 3

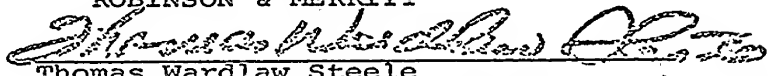
The Court then held that when a formal claim of privilege indicates a reasonable possibility that military secrets are involved, the trial court, after weighing and balancing the showing of necessity, should accept the claim if it is satisfied that military secrets are at stake.

We submit therefore that the holding of Reynolds v. United States, 192 F.2d 987, cited and relied upon by us is in no way weakened by the Supreme Court's reversal hereinabove discussed. The ultimate result of the case is that unless the United States files a formal claim of privilege based upon revelation of military secrets, the production of reports of an aircraft accident or incident, even one involving a military aircraft, is required by the United States under Rule 34 when it is or potentially may be a defendant in Federal Tort Claims Act cases.

We trust the Court will understand that our failure to include this discussion of the ultimate disposition of Reynolds in our previous letter was due to the haste with which it was prepared and in no way constituted any effort on our part to mislead the Court. We do not believe that the holding of Reynolds upon which we rely is in any way weakened by the reversal in the Supreme Court.

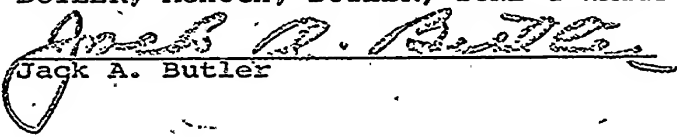
Respectfully submitted,

GULLETT, STEELE, SANFORD,
ROBINSON & MERRITT


Thomas Wardlaw Steele


Gilbert S. Merritt

BUTLER, McHUGH, BUTLER, TUNE & WATTS


Jack A. Butler

Honorable Frank Gray, Jr., Chief Judge
November 4, 1971
Page 4

Certificate of Service

I hereby certify that a copy of the foregoing letter has been served upon Honorable Charles H. Anderson by delivering the same to him at his office in the United States Courthouse, Nashville, Tennessee, on this 4th day of November, 1971.

James H. Anderson

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MRS. BRENT QUINTON DOWNS,
et al.

Petitioners,

v.

CIVIL NO. 6348

UNITED STATES OF AMERICA,

Respondent

SUPPLEMENTAL BRIEF IN OPPOSITION
TO PETITION TO PERPETUATE EVIDENCE

This brief is filed in response to the letter to the Court from counsel for plaintiffs dated November 3, 1971, and sets forth in full the reasons why the United States submits that this Court should not grant the subject petition.

I

The Petition is Technically Defective

Rule 27(a), F.R.C.P., specifies the requisites for a petition to perpetuate evidence. They have not been met here.

(1) There is no statement or elucidation of the facts which petitioners seek to perpetuate. The only clue furnished is from the itemization of the materials which petitioners seek to have produced under Rule 34, but that itemization is not sufficient compliance with the requirements of Rule 27, even in relation to the materials to be produced. And there is absolutely no statement of facts relative to what is to be proved by the

minimum of 12 depositions sought by petitioners. This defect is critical as shown below.

(2) There is no true statement of the reasons why petitioners desire to perpetuate evidence as required by Rule 27(a). The basis for the petition is that petitioners cannot sue the United States for 6 months under the provisions of 28 U.S.C. 2675(a). However, a moment's reflection shows the inadequacy of this purported reason. Five requirements are listed in Rule 27(a)(1). The first is that petitioner is presently unable to bring an action. The third, that involved here, requires separately a statement of reasons for perpetuation. If the third requirement, separately and distinctly expressed, is satisfied by a repetition of the statements made to satisfy the first requirement, the third requirement is rendered nugatory and meaningless. Obviously then, the fact that suit cannot be brought for 6 months is not a reason to perpetuate testimony. There must be more than a mere present inability to sue, and that additional showing has not been made here.

The only possible exception is the invidious suggestion (disclaimed as such, but stated nonetheless) that federal agents would conceal, lose, suppress, or misrepresent evidence. (Petitioners' Memorandum Brief, p. 17). The Court should not dignify such assertions by holding they suffice as a justification for any order sought by petitioners. Moreover, action has already been taken to assure that such will not happen in this instance (Affidavit of Neil R. Peterson, p. 1, paragraph 2; attached hereto as Exhibit A).^{1/}

^{1/}Moreover, the consent of the United States to this Court's order relative to the preservation of the tapes involved is emblematic of its bona fides in making these representations to the Court.

Even the cases cited by petitioners make apparent their obvious failure to present reasons for perpetuation. Thus, in Mosseller v. United States, 158 F.2d 380 (C.A. 2, 1946), the court noted that in addition to a 6 month administrative claim time delay, there was substantial evidence in the record that the injured party would die within that 6 months. And in Martin v. Reynolds Metals Corporation, 297 F.2d 49 (C.A. 9, 1961), said by petitioners to show "the extent, breadth and depth of permissible perpetuation", the court relied upon a detailed showing of precisely how physical evidence was periodically being lost or transferred. Thus, both cases present fact situations far different than here, the critical difference being that here no reasons are shown for perpetuation.

(3) The fifth requirement of Rule 27(a)(1) is that petitioners set forth the substance of the testimony they expect to elicit from each deponent. Such a showing is totally lacking here and the defect is critical as noted below.

II

The Petition Cannot be Granted In Its Present Posture

(1) Rule 27(a)(3) provides that a court may order perpetuation to prevent a "failure or delay of justice." Here, there is no failure or delay of justice; there is merely a bald attempt to circumvent jurisdictional limitations imposed upon this Court by Congress through recent amendments of the Federal Tort Claims Act. Thus, for causes accruing since 1967, an administrative claim is a jurisdictional prerequisite to a tort suit against the United States. See: Meeker v. United States, 435 F.2d 1219 (C.A. 8, 1970); Peterson v. United States, 428 F.2d 368 (C.A. 8, 1970); Claremont Aircraft, Inc. v. United States, 420 F.2d 896 (C.A. 9, 1969). And, while the fact that this Court

now has and could have no jurisdiction of a substantive tort action against the United States does not mean that it is without jurisdiction over a Rule 27 petition such as this, the amendments to the Federal Tort Claims Act make it abundantly clear that this Court cannot grant a Rule 27 petition for the sole reason that suit cannot be brought against the United States for 6 months. The whole purpose of the amendments was to give the United States a chance to settle meritorious litigation on the administrative level without the necessity of litigation. To say that amendments with this purpose justify alone the relief sought here is to render the amendments meaningless and nugatory. For the Court to adopt any other attitude, we submit, would be to say that what is designed to avoid litigation becomes an automatic justification for fomenting it. Certainly, Congress never intended such.

There likewise can be no failure of justice in the literal sense since the materials sought will be preserved and the deponents desired will be available in the future under the same circumstances as they would have been on October 4, 1971 (Affidavit of Neil R. Peterson, p. 2, paragraph 3; Affidavit of James E. Rogers, p. 2, paragraph 3, attached hereto as Exhibit B).

(2) If there is a question of justice involved here, it more affects the United States than the petitioners. First, the United States is entitled to present a meaningful opposition to this Court, but it has been deprived of the opportunity to do so by the manner in which the petition is presented. Because, as noted above, petitioners have not set forth the facts to be proved or the substance of the testimony to be elicited, the United States has no opportunity to present to this Court affidavits of its personnel who are involved in the preparation

of the case of United States v. Bobby Wayne Wallace, Cr. No. 71-212-CR, U.S.D.C. N.D. Fla., a criminal matter arising out of the incident involved here, to show how the revelation of the documents or the taking of the testimony will adversely affect that criminal case.

Second, the only real issue involved here is that of doing potential harm to a criminal case pending in another court and the investigation thereof in a situation where there is no risk or potential for injury to the petitioners here. As this Court is aware, unrestrained pretrial publicity in criminal cases should be avoided for obvious reasons. As this Court must also be aware, the circumstances subserving this matter are the subject of great news interest (Affidavit of Neil R. Peterson, p. 2, paragraph 4).^{2/}

Let the Court be assured, the United States is not here seeking a total perpetual ban on publication of data and materials concerning the facts of the incident subserving this matter. It only requests that such be done upon a proper showing at the proper time. The United States is manifestly subject to discovery just as any private litigant. Black v. Sheraton Corporation of America, 50 F.R.D. 130, 132 (D.D.C., 1970). When litigation is actually commenced, petitioners will have available to them the full gamut of discovery provided by the Federal Rules of Civil Procedure. As noted, the

^{2/} The United States does not cite the publicity attendant upon or ensuing from the Court's Order of November 2, 1971 to relitigate the advisability of its entry, but solely to demonstrate the immediate and far-reaching effects, and thus the great potential for prejudice to the criminal case, of any order which would permit publication of any of the materials or testimony sought herein in advance of the trial of the referenced criminal case.

materials sought will be preserved, and action has already been taken to insure that fact. Petitioner cannot make any showing that witnesses will be absent or that there is any likelihood beyond the normal uncertainty of human existence that witnesses will be unavailable in view of the affidavits submitted herewith (Exhibits A, B, C). Nor, with the preservation of all the documentary material sought is there any real likelihood that the witnesses will be forgetful or that their memories could not be adequately refreshed.

Third, for the Court to order perpetuation in the circumstances presented here (there being no showing of facts to be proved or the substance of testimony to be taken) would leave the United States devoid of procedural remedies which Rule 27 contemplates should be available to the parties. For example, Rule 30(d) governs protective orders. However, because it does not know what petitioners want or what they hope to prove by the discovery proposed, the United States cannot make meaningful decisions relative to seeking protective orders. Likewise, relevance, which is the touchstone of permissible discovery, would be left an evanescent concept at best. Thus, it is doubtful that the United States could meaningfully oppose discovery on the most basic ground available to it, an opposition to which it would clearly be entitled were the tort aspect of this matter actually in litigation.

(3) Rule 27(a)(3) also requires that the court must specify the subject matter of any depositions to be taken. The absence of such a specification by the court was the grounds for reversal in Martin v. Reynolds Metals Corporation, supra, 297 F.2d 49, where the court held that the court itself must make the specification and could not delegate that requirement to the petitioner. Here, there is not even any basis upon

which the court could make such a specification since petitioners themselves have not even provided the court with any guidelines.

III

Perpetuation Would Contravene A Direct Order Of Another Court Having Jurisdiction of A Criminal Case

As this Court is aware, an order has already been entered by Judge Tjoflat of the United States District Court for the Middle District of Florida in the case of United States v. Bobby Wayne Wallace, Cr. No. 71-212-CR-J, which prohibits the divulgence by the United States or any of its agents of any information concerning this incident.^{3/} The petition filed herein and the motion amending it list at least 12 deponents, 11 of whom work and live in the jurisdiction of the court entering that order. Thus, petitioners are asking this Court to enter an order which will subject 11 persons to criminal contempt citations and possible punishment therefor.

Moreover, as noted above, the possibility of prejudice to the criminal case is direct and substantial, and, as noted below, criminal matters are traditionally accorded precedence over civil litigation, a precedence this Court would clearly violate without any supervening justification being apparent in this case if it orders the relief requested.

IV

Perpetuation Should Not Be Ordered In Circumstances Where The Court Should Stay Discovery

^{3/} Attached hereto as Exhibit D is a copy of a telex transmittal of the referenced order. The United States requests leave to file a certified copy of the order as soon as it is received by the United States Attorney at Nashville. It is currently in transmission from Jacksonville, Florida.

It is axiomatic that petitioners here should not acquire greater discovery rights than if litigation were actually pending. Rule 27 does not enlarge the right of discovery, but merely advances it. However, discovery in litigation involving this incident clearly could and should be stayed for two separate reasons, and this Court should not, under the guise of advancing the time of discovery, permit otherwise inappropriate discovery at this time.

(1) If this were a civil tort action, it should be stayed in view of the pendency of criminal matters and investigations since criminal cases take priority in the event of a conflict between a civil and a criminal case (Campbell v. Eastland, 307 F.2d 478 (C.A. 5, 1962)). There, a district court was reversed for failing to accord precedence to a criminal case, the Fifth Circuit saying (307 F.2d, at 487):

* * * The very fact that there is a clear distinction between civil and criminal actions requires a government policy determination of priority: which case should be tried first. Administrative policy gives priority to the public interest in law enforcement. This seems so necessary and wise that a trial judge should give substantial weight to it in balancing the policy against the right of a civil litigant to a reasonably prompt determination of his civil claims or liabilities.

And, numerous other courts have granted priority to the criminal proceedings where there were related civil proceedings. Capitol Vending Company v. Baker, 35 F.R.D. 510, 511 (D. D.C. 1964); United States v. Maine Lobstermen's Ass'n., 25 F.R. Serv. 30b.31, Case 3, p. 516 (D. Me., 1958); United States v. A.B. Dick Co., 7 F.R.D. 442 (N.D. Ohio, 1947); United States v. Bridges, 86 F.Supp. 931, 933 (N.D. Cal., 1949); Penn v. Automobile Ins. Co., 27 F.Supp.

Moreover, as the Campbell, Holzbaugh and Penn cases illustrate, the civil case is stayed even when it was filed prior to the criminal case. And, as the Dick, Bridges and Cigarette Merchandizers cases illustrate, civil actions are to be stayed even where the government commenced both the civil and criminal cases. And, as the Baker case illustrates, civil litigation is stayed even when the government is not a party to it, even when there is no extant indictment, but only a grand jury investigation, and even when the party seeking the discovery is in no way involved in the criminal case. Here, the criminal case has obviously been filed first, and the government did not commence this action, but is a party to it.

Here, the attempt to depose government agents who may well be witnesses in the criminal case clearly would violate the intendment of 18 U.S.C. 3500, prohibiting pretrial discovery of statements of government witnesses in criminal cases. The materials sought also clearly exceed the scope of Rule 16, F.R. Cr.P.

(2) Were this actual civil litigation, the United States would also be entitled to seek a stay of substantive

^{4/} Accord: United States v. Linen Supply Institute, 18 F.R.D. 452 (S.D.N.Y., 1955); Paul Harrigan & Sons v. Enterprise Animal Oil Co., 14 F.R.D. 333 (E.D.Pa., 1953); National Discount Corp. v. Holzbaugh, 13 F.R.D. 236 (E.D. Mich., 1952); Perry v. McGuire, 36 F.R.D. 272 (S.D. New York, 1964); United States v. Steffes, 35 F.R.D. 24 (D. Montana, 1964); United States v. \$2,437 U.S. Currency, 36 F.R.D. 257 (E.D. New York, 1964); United States v. Cigarette Merchandizers Ass'n., 18 F.R.D. 497 (S.D.N.Y. 1955); Kaeppler v. James H. Mathews and Co., 200 F. Supp. 229 (D.C. E.D. Pa., 1961); Cf. United States v. Johns-Manville Corp., 9F.R. Serv. 2d 30b.31, Cases 3 and 4.

discovery pending resolution by a court of certain jurisdictional issues involved in the litigation.^{5/} The propriety and utility of a stay in discovery pending resolution of legal issues which are separable from complex factual issues is well established. In Klien v. Lionel Corporation, 18 F.R.D. 184 (D. Del., 1955) depositions were stayed pending decision on a motion for summary judgment. The court stated that (18 F.R.D., at 185):

In the present case if the plaintiff desires information from the defendant which is not useful to him on his motion for summary judgment but will be of use to him upon the trial of the cause, then the acquisition of such information should await the disposition of the pending motions for summary judgment. There could be no reason to undergo the expense and inconvenience of long depositions for use at the trial until the disposition of the defendants' motions for summary judgment, which might determine the validity of the plaintiff's complaint.

Similarly, in Momand v. Paramount Pictures Distributing Co., 36 F. Supp. 568 (D. Mass., 1941) answers to interrogatories were stayed pending decision on the separable issue of the statute of limitation. In Sogmose Realities v. Twentieth Century-Fox F. Corp., 15 F.R.D. 496 (S.D. N.Y., 1954) all pre-trial discovery was stayed pending the outcome of trial of a separable issue concerning a release. And, in Hilton v. W. T. Grant Company, 212 F. Supp. 126 (W.D. Pa., 1962), River Plate Corp. v. Forestal Land, Timber & Ry. Co., Ltd., 185 F. Supp. 832 (S.D. N.Y. 1960), and Blair Holdings Corporation v. Rubenstein, 159 F. Supp. 14 (S.D. N.Y., 1954) discovery was stayed pending decision on the preliminary jurisdictional issues.

^{5/} We do not suggest by this that a court would have no ostensible jurisdiction in the first instance, but only that resolution of jurisdictional issues would obviously take precedence over the broad discovery on the merits which is being sought without any justification here.

All these cases demonstrate concern by the courts to stay expensive, time-consuming and potentially useless discovery until preliminary issues which might well obviate its need were determined. Especially should this hold true here, where, as the court noted in Blair Holdings Corporation v. Rubenstein, supra, "No facts have been shown by the plaintiff in the moving papers which would indicate that it will be prejudiced in securing any necessary evidence if the taking of depositions generally is postponed until the issue of jurisdiction as to two of the principal defendants is determined" 159 F. Supp., at 15).

(3) Thus, it is apparent that this Court could and should stay the discovery sought here for either of the two reasons above were this actually a case in controversy under its jurisdiction. It should do no less here where the discovery sought is purely anticipatory, where petitioners have not shown and could not show any prejudice would accrue to them, and where the discovery sought is clearly inappropriate at the present time.

V

In addition to any technical or substantive objections to the discovery sought which are set forth above, we also deem it appropriate to point out to the Court at this time that much of the material sought for production is clearly privileged under applicable precedent. This section of the brief is not intended to constitute formal claims of privilege at this time, but merely is designed to demonstrate further to the Court the total inappropriateness of the relief presently sought by petitioners.

(1) As noted in the supplemental letter of petitioners dated November 4, 1971, the Supreme Court in Reynolds v. United

States, 345 U.S. 1 (1953) did reverse the holding of the Third Circuit previously relied upon by petitioners. What the Supreme Court did was hold that the privilege there involved (executive privilege) was validly invoked by the United States. It also held that judicial consideration of a claim of privilege involved a balancing of the necessity shown by the party seeking discovery and the interest protected by the privilege. Here there is nothing for the Court to balance.

(2) Even the Public Information Act, 5 U.S.C. 552 does not authorize the discovery sought here. 5 U.S.C. 552(b)(5) prohibits divulgence of inter-agency or intra-agency memoranda, a category of documents specifically sought by petitioners, and 5 U.S.C. 552(b)(7) prohibits divulgence of investigatory files comprised for law enforcement purposes, which specifically prohibits all FBI documents pertaining to this matter from being revealed. Even when the Federal Housekeeping Statute (5 U.S.C. 301) was amended in 1958 to provide that it did not otherwise authorize the withholding of data, the Senate floor manager of the bill stated:

The amendment will in no way affect the confidential status now afforded FBI files. 104 Cong. Rec., p. 15688.

(3) Moreover, much of the materials sought falls within a category of trial preparation materials, disclosure of which is now regulated by Rule 26(b)(3), F.R.C.P. The requisite showing for divulgence of such materials has not been made here by petitioners.

(4) A claim of executive privilege is available in light of some of the categories of material sought, and is a viable privilege which is fully discussed in Carl Zeiss Stiftung v. V. E. B. Carl Zeiss Jena, 40 F.R.D. 318 (D. D.C., 1966).

(5) Moreover, both the documents and testimony sought may well be the subject of an executive order by the Attorney General under 5 U.S.C. 301 (Cf. 28 C.F.R. 16.11-16.14). Such orders are recognized as valid interim measures to permit federal executives sufficient time to review what is sought from their agencies and to thereafter invoke other substantive privileges. Touhy v. Ragen, 340 U.S. 462 (1951); Appeal of United States Securities and Exchange Com'n., 226 F.2d 501 (C.A. 6, 1955).

(6) We note that the proposed order submitted to the Court by petitioners on November 3, 1971 in this matter purports to be self-executing, leaving no room theoretically for an invocation of any privilege which would otherwise be available to the United States. We submit that to enter an order so providing would be improper. We further submit that the availability of several privileges to the United States relative to the discovery sought, without any showing of necessity for such discovery by petitioners, is still another proof of the inappropriateness of the relief sought at the present time.

CONCLUSION

Accordingly, in view of the above, the United States submits that the application to perpetuate evidence should be denied by the Court at this time.

Respectfully submitted,

CHARLES H. ANDERSON
United States Attorney

By: Neil R. Peterson
Neil R. Peterson
Attorney
U. S. Department of Justice
Washington, D. C. 20530

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MRS. BRENT QUINTON DOWNS,
et al.

Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent

:
:
:
:
:
:
:
:
:
:
:
:

CIVIL NO. 6348

A F F I D A V I T

STATE OF TENNESSEE
COUNTY OF DAVIDSON

1. I am a trial attorney in the Federal Torts Claim Section of the Civil Division of the United States Department of Justice in Washington, D. C. I have been officially assigned responsibility for the handling of the administrative claims which have been filed by the petitioners in the above action against various agencies of the United States. I make this affidavit in support of the United States' Supplemental Brief in Opposition to Petition to Perpetuate Evidence, based upon my personal knowledge and upon information available to me by virtue of my position with the Department of Justice and upon review of its official files.

2. I am attaching hereto as attachments one and two respectively, communications dated November 3, 1971, to the Secretary of Transportation and to the Director of the Federal Bureau of Investigation which I caused to be sent to those officials. The communications instruct the stated officials that a representation will be made to this Court that the United States has undertaken to preserve in existence and in unchanged form any of the material which could fall within the petition or motion

amending it which have been filed herein by the petitioners. They also request the stated officials to take appropriate action to preserve the material in question.

3. I have also been authorized by the Assistant Attorney General in charge of the Civil Division to represent to this Court that any and all employees of the Federal Bureau of Investigation from whom discovery may be obtained as permitted by the Federal Rules of Civil Procedure will be made available for that purpose at the stations where they were assigned on October 4, 1971. If there is any expense incurred in producing the employees at those points, it will be paid by the United States.

4. As part of my official duties, I have been apprised of and have reviewed the order of this Court issued on November 2, 1971, and entered on November 3, 1971, in this action and in civil action no. 6322. I am personally aware that within hours of the referenced order, materials from the tapes which were made part of the public record by it were being broadcast on network television in Washington, D. C. and appeared in substantial part in verbatim transcript form in newspapers in Washington, D. C. on November 3, 1971. I have also been apprised that material from the referenced tapes was made the object of nationwide transmittals by the Associated Press and the United Press International wire services.

5. As part of my official responsibilities in handling the administrative claims filed by petitioners referred to in paragraph 1, I caused a telegram to be sent to the attorneys for the petitioners on November 3, 1971. A zerox copy of a telex transmittal of that telegram is attached hereto as attachment 3. The telegram advises counsel for petitioners (and claimants) that the administrative claim submitted by them did not comply with the provisions

of 28 C.F.R. 14.3. That regulation pertains to the submission of claims in a representative capacity. In view of the fact that I am presently unaware of who are the proper claimants for purposes of making administrative claims under the Federal Torts Claims Act as required by 28 U.S.C. 2675(a), I have no present knowledge or information as to whether the petitioners are proper parties in this proceeding.

Neil R. Peterson
NEIL R. PETERSON
Attorney
U. S. Department of Justice
Washington, D. C. 20530

Subscribed and sworn to before me this 4th day of
November, 1971.

Frank Williams
FRANK WILLIAMS
United States District Court Clerk
Middle District of Tennessee

Mr. Laughlin
3744

LPG:NRP:hr
157-71-148

NOV 3 1971

Honorable John Volpe
Secretary of Transportation
Department of Transportation
Washington, D. C. 20000

Dear Mr. Volpe:

Attached hereto are a petition to perpetuate evidence and a motion amending the said petition which have been filed in the matter of Mrs. Brent Quinton Downs, et al. v. United States of America.

As part of our opposition to the petition to perpetuate evidence, we plan to advise the court that none of the documents or materials itemized in the petition or motion will be destroyed or in any way altered pending the outcome of any civil litigation. Accordingly, we request that you take such action as you may deem appropriate to insure the preservation of any and all documents and materials which may fall within the descriptive paragraphs of the petition and motion.

Your cooperation is appreciated.

Sincerely,

L. PATRICK GRAY, III
Assistant Attorney General

Enclosure

cc: Honorable John Shaffer, Administrator
Federal Aviation Administration
Department of Transportation
Washington, D. C. 20000

ATTACHMENT 1

Peterson

Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

November 3, 1971

LPG:NRPeterson:hr
157-71-148

L. Patrick Gray, III
Assistant Attorney General
Civil Division

Administrative Claims Respecting October 4, 1971,
Hijacking of Hawk Commander 9058N From Nashville,
Tennessee, To Jacksonville, Florida

Attached hereto are a petition to perpetuate evidence and a motion amending the said petition which have been filed in the above litigation.

As part of our opposition to the petition to perpetuate evidence, we plan to advise the court that none of the documents or materials itemized in the petition or motion will be destroyed or in any way altered pending the outcome of any civil litigation. Accordingly, we request that you take such action as you may deem appropriate to insure the preservation of any and all documents and materials which may fall within the descriptive paragraphs of the petition and motion.

Your cooperation is appreciated.

Attachment

ATTACHMENT 2

U.S.A.
TELETYPE CENTER
ATLANTA, GA.

NOV 4 1 04 PM '71

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RAAUIJAZ RUEVFCH0005 3081723-0000--RUEVDAA.
JUCD

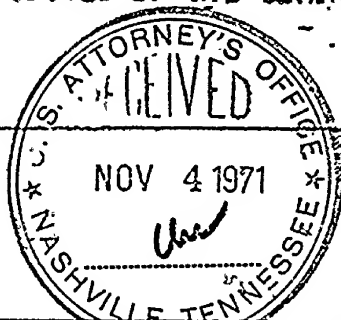
FM JOHN G LAUGHLIN CHIEF TORTS SEC CIV DIV DOJ WASHDC
TO ANDERSON US ATTY ATTN NEIL R PETERSON NASHVILLE TENN.
BT

RE ADM CLAIMS RESPECTING 10-4-71, HIJACKING OF HAWK COMM 9058N.
SET OUT BELOW IS THE COMPLETE TEXT OF THE TELEGRAM DISPATCHED ON
NOVEMBER 3, 1971 AT 11:46 AM.

"MR GILBERT S MERRITT GULLETT, STELLE, SANFORD, ROBINSON AND MERRITT
23RD FLOOR, LIFE AND CASUALTY TOWER NASHVILLE, TENNESSEE 37219
RE ADM CLAIMS RESPECTING 10-4-71, HIJACKING OF HAWK COMM 9058N
REFERENCE IS MADE TO YOUR LETTER OF 10-15-71 TO THE DEPARTMENT OF
JUSTICE, THE FBI, THE DEPT OF TRANSPORTATION AND THE FEDERAL
AVIATION ADMINISTRATION MAKING CLAIMS ON BEHALF OF: (1) THE ESTATE
AND NEXT-OF-KIN OF BRENT QUINTON DOWNS; (2) THE ESTATE AND NEXT-OF-KIN

PAGE TWO RUEVFCH0005
OF SUSAN LAKICH GIFFEE, AND (3) BIG BROTHER AIRCRAFT, INC. AND M P
BROTHERS, JR., ALL ARISING FROM AN OCTOBER 4, 1971 HIJACKING OF
HAWK COMMANDER 9058N. THE ENTIRE MATTER WILL BE HANDLED BY THIS
OFFICE ON BEHALF OF THE UNITED STATES AND THE REFERENCED
AGENCIES. THE CLAIMS DO NOT COMPLY WITH THE PROVISIONS OF 28 C.F.R.
14.3. APPROPRIATE CLAIM FORMS WILL BE FORWARDED UNDER SEPARATE COVER
AND SHOULD BE COMPLETED, SIGNED BY THE CLAIMANTS, AND RETURNED
DIRECTLY TO THIS OFFICE."

BT



ATTACHMENT 3

U.S.A.
TELETYPE CENTER
NASHVILLE, TENN.
NOV 4 12 47 PM '71

EXHIBIT B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MRS. BRENT QUINTON DOWNS and
ANDREW ARTHUR DOWNS, 622 Paces
Ferry Road, Nashville,
Tennessee,

SUSAN GERMAINE GIFFE and
MAJOR AND MRS. JOSEPH S. LAKICH,
4122 Moss Rose Drive, Nashville,
Tennessee,

BIG BROTHERS AIRCRAFT, INC. and
M. P. BROTHERS, JR., Metropolitan
Airport, Nashville, Tennessee

Petitioners

v.

UNITED STATES OF AMERICA

Respondent

CIVIL ACTION NO. 6348

PETITION TO PERPETUATE EVIDENCE

AFFIDAVIT OF JAMES G. ROGERS

STATE OF GEORGIA)

) ss

COUNTY OF FULTON)

James G. Rogers, being duly sworn, deposes and says:

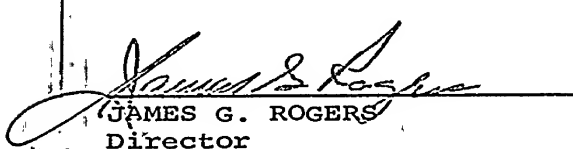
1. I am the Director of the Southern Region of the Federal Aviation Administration, which Region includes the State of Florida, and that as the Regional Director I am responsible for the administration of the programs of the Federal Aviation Administration to provide within the Region for the safe and expeditious movement of aircraft to insure air safety, to promote aviation, and to operate and maintain the Jacksonville Airport Traffic Control Tower and the Jacksonville Air Route Traffic Control Center.

2. That my authority as Regional Director includes final authority for the supervision and transfer of official station of the following employees of the Federal Aviation Administration in the Southern Region:

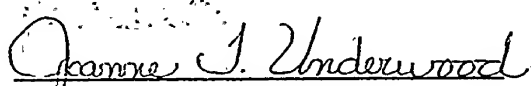
Bernard A. Sloan
Carrol Bright
Norman J. Magyar
Harold B. Christman
Costa C. Patrinely
Joseph K. Jetton
Joe M. Hinson
Buddy C. Friedlin

3. That the above-named employees are currently assigned to official posts of duty in the Cities of Jacksonville and Hilliard in the State of Florida, that they are mature males in reasonably good health and are actively performing their normal employment at those official posts of duty, and that the United States of America will make these employees available for any appropriate discovery proceedings which may obtain in this action.

Dated this 3RD day of November, 1971.


JAMES G. ROGERS
Director
Southern Region
Federal Aviation Administration

Subscribed to and sworn before me this 3RD day of November, 1971.


JOANNE T. UNDERWOOD
Notary Public
Georgia, State at Large

My commission expires 23 May 1972

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MRS. BRENT QUINTON DOWNS,
et al.

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL No.

District of Columbia) ss:

Washington
District of Columbia)ss.

1. My name is Harold N. Bassett and I am the Personnel Officer of the FBI. I am making this affidavit in support of the United States' opposition to plaintiffs' petition to perpetuate evidence in the above-styled proceeding, based upon a review of pertinent FBI records.

2. My duties include the management of a highly centralized FBI Personnel Program.

3. I have been apprised of the fact that as part of their motion to perpetuate evidence in the above-styled proceeding, plaintiffs have indicated a desire to depose the following individuals:

- A. Francis A. Burns
- B. Dalton L. Mayo
- C. James A. McBride
- D. George H. Murphy
- E. James J. O'Connor
- F. John R. Saalfeld
- G. Roger A. Myers

4. Each person listed is a Special Agent of the FBI and I am setting forth here pertinent information concerning each which has been obtained from official files of the FBI:

	<u>Date Entered On Duty As Special Agent</u>	<u>Age</u>	<u>Office of Assignment</u>
A. Francis A. Burns	January 9, 1967	42	Jacksonville
B. Dalton L. Mayo	May 19, 1948 (Adjusted)	52	Jacksonville
C. James A. McBride	February 3, 1947	50	Jacksonville
D. George H. Murphy	July 21, 1947	50	Jacksonville
E. James J. O'Connor	February 19, 1951	47	Jacksonville
F. John R. Saalfeld	August 22, 1966	30	Jacksonville
G. Roger A. Myers	May 20, 1968	27	Memphis

5. As far as it is known to the FBI, the above individuals have all been certified for strenuous physical exertion and dangerous assignments based upon reports from their last annual physical examinations.

Harold H. Bassett

Subscribed and sworn to before me this 4th day of
November, 1971.

My commission expires on 8-14-73.

Louise B. Walter
Notary Public



EXHIBIT D.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

NO. 71-212-Cr-J

BOBBY WAYNE WALLACE

FILED
JACKSONVILLE, FLA.
NOV 1 - 1971

WESLEY R. THIES
CLERK

O R D E R

This matter : came on for hearing on the motion of the United States for a protective order pursuant to Rule 16(e), Federal Rules of Criminal Procedure.. The United States Attorney and counsel for defendant were present. On the representations of counsel, the Court finds as follows:

1. On or about October 4, 1971, Brent Quinton Downs, Susan L. Giffe, and George M. Giffe were killed at Jacksonville International Airport by gunshot wounds while aboard an aircraft Hawk Commander N9058N which was allegedly hijacked from Nashville, Tennessee, to Jacksonville, Florida. This is the aircraft and flight described in the indictment in this case.
2. On October 6, 1971, the Federal Aviation Agency (F.A.A.) air traffic control tapes containing radio communications between said aircraft and personnel of F.A.A. and the Federal Bureau of Investigation (F.B.I.) were impounded by an order issued by the United States District Court for the Middle District of Tennessee. (See Exhibit A, Temporary Restraining Order entered by the United States District Court, Middle District of Tennessee, Nashville Division, in Civil Action No. 6322 on October 6, 1971; and Exhibit B Permanent Injunction issued by the same court on October 8, 1971.) Thereafter, persons not party to this case disseminated to others transcripts of those tapes; and such evidence was then given widespread exposure by the news media.

Copy to: U.S. Attorney
Nashville, Tenn.

3. Mrs. Brent Quinton Downs, Major and Mrs. Joseph S. Lakich, and M. P. Brothers, Jr. (herein called "claimants") have filed administrative claims under the Federal Tort Claims Act, 28 U.S.C., Section 2671, et seq, seeking money damages by reason of the aforesaid deaths and damage to the aircraft. These claims are now pending before the Department of Justice and the Department of Transportation. These agencies have six months to consider the propriety of the claims. If the claims are rejected, claimants may then institute suit against the United States Government in this Court. This is the Court of proper venue, since the events, which gave rise to the claims, occurred in Jacksonville. This Court is also the most convenient forum because practically every eye witness resides in the Middle District of Florida.

4. Despite the fact that the venue of these criminal proceedings and potential Federal Tort Claims Actions lies with this Court, claimants petitioned the District Court for the Middle District of Tennessee, pursuant to Rules 27 and 34 of the Federal Rules of Civil Procedure, for the stated purpose, inter alia, of taking the testimony, by deposition, of the F.B.I. and F.A.A. personnel involved ^{the} in events in question and obtaining their files, records and exhibits. Such testimony and documentary evidence is germane to this criminal case and, in all probability, will be offered into evidence at the trial. (Claimants' petition is attached as Exhibit C.)

5. Petitioners are urging the District Court in Tennessee to grant their petition because it may be necessary to use the testimony of the federal agents and employees and the other evidence in prosecuting their tort claims actions in this court at some future date, in the event the agencies deny their pending claims. However interested claimants may be in preserving evidence to support their Federal Tort Claims Actions which, in the final analysis, may never be prosecuted, they are seeking to obtain the production of evidence

that will likely be used by the prosecution or defense in this pending criminal case.

6. The production and disclosure of evidence in criminal cases in Federal District Courts is governed by Rule 16 of the Federal Rules of Criminal Procedure. The improper and uncontrolled disclosure of the evidence in this case may well result in publicity of the sort that would deny the defendant or the people a fair trial. To insure that the evidence in this case is accorded proper discovery treatment under judicial supervision in accordance with Rule 16, this Court concludes that the desires of claimants to the contrary must give way. In due time, so as not to frustrate the orderly and fair disposition of this criminal case, claimants will have ample opportunity to amass evidence in support of their potential Federal Tort Claims Actions. In the interest of justice and to safeguard the rights of defendant and the people to a fair trial in this case, this Court concludes that the disclosure of evidence in this case must conform to the dictates of Rule 16 of the Federal Rules of Criminal Procedure and orders of this Court. The Court further notes that the defendant has no objection to the entry of this Order. Therefore, it is

ORDERED:


1. All Government agents and employees, including, specifically, Federal Bureau of Investigation agents and Federal Aviation Administration employees, are prohibited from making any statement to any non-federal government person regarding the events set out in and surrounding the criminal indictment in this case.

2. No party to this case or counsel or agent therefor shall reproduce any governmental documents and other material pertaining to this case, or disclose the contents thereof, except as authorized by Order of this Court.

3. No party to this case or counsel or agent therefor shall make or issue any public statement, written or oral, regarding the evidence in this case except as authorized by Order of this Court.

4. This Order shall not be construed to impair the continued public nature of these proceedings nor to restrict the discovery rights of the defendant.

DONE and ORDERED at Jacksonville, Florida, this 1st day of November, 1971.


UNITED STATES DISTRICT JUDGE

Copies:
Hon. John L. Briggs
Edward M. Booth, Esquire
James F. Neal, Esquire

I certify the foregoing to be a true and correct copy of the original.

Wesley R. Thies, Clerk
United States District Court
Middle District of Florida

By: 

Deputy Clerk

IN THE UNITED STATES
OF THE MIDDLE DISTRICT
OF TENNESSEE,
NASHVILLE

COURT FOR
TENNESSEE,
JUNIOR

RECEIVED FOR ENTRY
12:00 PM

SEP 6 1971

BIG BROTHER AIRCRAFT, INC.,

Plaintiff

BRANDON LEWIS, Clerk

v.

JOHN A. VOHSE, Secretary of
the Department of Transportation
of the United States of America;
THE FEDERAL AVIATION ADMINISTRATION,
an agency of the Department
of Transportation of the United
States of America, and its
Administrator, JOHN SCHAFER; and
J. EDGAR HOOVER, Director of the
Federal Bureau of Investigation,
an agency of the Department of
Justice of the United States of
America,

Defendants

CIVIL ACTION NO. 6322



TEMPORARY RESTRAINING ORDER

Application having been made to Honorable Frank Gray, Jr.,
Judge, for the issuance of a temporary restraining order as prayed
in the complaint filed in this cause and upon good cause shown,
it is the finding and opinion of the Court that such temporary
restraining order should issue; and it is accordingly

ORDERED, ADJUDGED AND DECREED by the Court that the defend-
ants, and each of them, their agents, servants, employees, attorneys
and any and all persons acting in concert with them, be and they
are hereby temporarily restrained from tampering with, altering,
erasing, defacing splicing or otherwise physically impairing the
original condition of any and all recordings of any and all conver-

sations or communications between any persons and occupants of the

aircraft designated as "Commander 9650N" in flight and enroute from
Nashville, Tennessee, via Atlanta, Georgia, to Jacksonville, Florida,
inclusive of the point of the departure and the point of destination,
on or around October 4, 1971, or within any twenty-four (24) hours
preceding or succeeding said date, or from attempting to do so; and

Exhibit A

Further from permitted any person or persons to have the control and possession thereof or access thereto, other than in the presence of a custodian designated and authorized by the head of the defendant departments for the purpose of being responsible for the preservation of said recordings in their original form and condition.

This temporary restraining order shall remain in full force and effect until 11 o'clock A.M., October 8, 1971, unless within the time so fixed this order for good cause shown is extended for a like period, at which time the Court will hear the application and motion of the plaintiff for the issuance of the preliminary injunction prayed in the complaint, at which time the defendants shall appear and show cause, if any, why the preliminary injunction prayed in the complaint should not issue.

The Court further finds that the plaintiff will suffer irreparable injury unless this temporary restraining order is issued in that there is no assurance that the tapes of said communications and conversations, if any, will be adequately and exactly preserved as evidence by the defendant, their agents, servants and employees, unless this temporary restraining order is issued; and it appearing to the Court that the recordings of said communications or conversations are essential to the investigation and presentation of plaintiff's prospective claim alleged in the complaint, and without a preservation of the same, an injustice may result; and it

Edw. A.

14
further appearing to the Court that due to doubt about the custody and control of said recordings and the present whereabouts of the same, all of the defendants herein should be restrained as provided herein and that all possible notice of the application for this temporary restraining order has been given by attorneys for the plaintiff to the United States Attorney at Nashville, and that the provisions of the Federal Rules of Civil Procedure for the issuance of a temporary restraining order without notice have been adequately complied with, it is so ORDERED by the Court.

A condition of the issuance of this temporary restraining order is the filing and posting of a good and adequate surety bond by the plaintiff in the penal sum of \$250.00 conditioned for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

ALL OF WHICH IS SO ORDERED BY THE COURT at 12:16 o'clock A.M., this October 6, 1971.

Oran Gray, Jr.
JUDGE

ATTEST: A TRUE COPY

Brandon Lewis, Clerk
U. S. District Court
Middle District of Tennessee
U.S. District Court, Nashville, Tennessee, D.C.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RECEIVED FOR ENTRY

OCT 8 - 1971

BIG BROTHER AIRCRAFT, INC.

BRANDON LEWIS, Clerk
BY *[Signature]* D.C.

V.

CIVIL NO. 6322

JOHN A. VOLPE, et al.

O R D E R

This cause came on to be heard October 8, 1971, on motion to amend the complaint and on motion on behalf of the plaintiffs that a preliminary injunction be issued in accordance with the prayer of the complaint, and upon argument of counsel.

The United States Attorney stated to the Court that the Federal Aviation Administration had in effect prior to the incident in question, October 4, 1971, standing instructions to FAA installations to preserve recording tapes of radio communications between FAA control towers and aircraft subjected to air piracy; that preservation of such tapes physically intact in their original condition and under FAA exclusive supervision, possession and control is the custom and practice of the FAA.

Further, the United States Attorney stated he had been assured by the Air Traffic Service (Washington, D. C.) and the Regional Attorney (Atlanta, Georgia) of the FAA that in response to the order of this Court special instructions were issued to assure compliance with these instructions to the following FAA installations and department heads:

John M. Omohundro, Chief
Airport Traffic Control Tower
Nashville Metropolitan Airport
Nashville, Tennessee 37217

William W. Parker, Chief
Air Route Traffic Control Center
3229 Democrat Road
P. O. Box 18097
Memphis, Tennessee 38118

John V. Veal, Chief
Air Route Traffic Control Center
299 Woolsey Road
P. O. Box 268
Hampton, Georgia 30228

James E. Pound, Chief
Air Route Traffic Control Center
811 E. Second Street
P. O. Box 98
Hilliard, Florida 32046

Carl R. Leavitt, Jr., Chief
Airport Traffic Control Center
Jacksonville International Airport
P. O. Box 18346 - AMF Branch
Jacksonville, Florida 32229

The United States Attorney stated that the Air Traffic Service of the FAA had told him that the above facilities apparently were the only ones in radio contact with the subject aircraft.

Furthermore, the United States Attorney stated that he had been talking with the offices of U. S. Attorney in Jacksonville, Florida, and the Federal Bureau of Investigation at Nashville, Tennessee, and it was reported to him that at no time did agents of the FBI take control over or possession of the original recording tapes, and the few transcripts or copies of the tapes in possession of the FBI were made by and under the supervision of FAA personnel.


Whereupon the plaintiff moved the Court to grant its motion to amend its complaint, and by agreement of the parties the complaint heretofore filed be and hereby is amended.

It appears the parties have agreed upon the relief to be provided by the Court, and it is therefore ORDERED that the plaintiffs and their attorneys be allowed access to hear, copy and transcribe the original recording tapes under the supervision of FAA personnel at the installations indicated above or at some central location if the defendants collect the transcriptions.

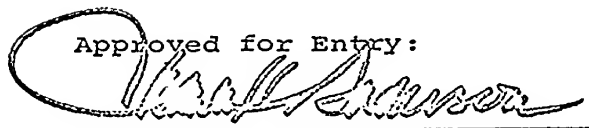
The parties further have agreed, and it is therefore ORDERED by the Court that the defendants, including the individual managers or chiefs of the above installations or their successors, shall preserve the subject tapes in their original form, subject to further orders of the Court.

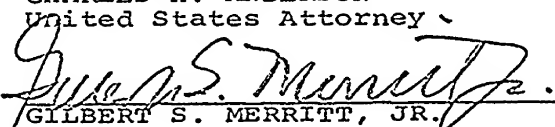
Further, it is ORDERED that the relief requested by the plaintiffs is otherwise denied without prejudice to their rights to seek equitable relief to perpetuate evidence or rights of discovery under the Federal Rules of Civil Procedure, the defendants hereby expressly waiving notice as provided by said Rules.

ENTER:

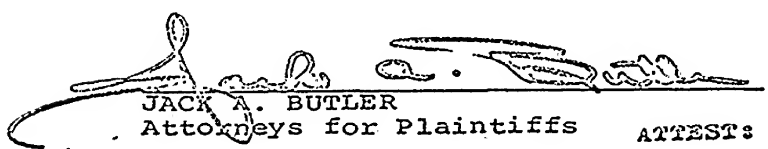

UNITED STATES DISTRICT JUDGE

Approved for Entry:


CHARLES H. ANDERSON
United States Attorney

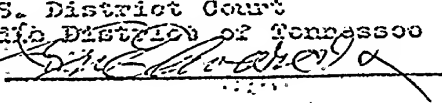

GILBERT S. MERRITT, JR.


THOMAS WARDLAW STEELE


JACK A. BUTLER
Attorneys for Plaintiffs

ATTEST: A TRUE COPY

Brandon Howie, Clerk
U. S. District Court
Middle District of Tennessee

By:  D.C.

IN THE UNITED STATES DISTRICT COURT FOR MIDDLE TENNESSEE

Nashville Division

MRS. BRENT QUINTON DOWNS and
ANDREW ARTHUR DOWNS, 622 Paces
Ferry Road, Nashville, Tennessee,

SUSAN GERMAINE GIFFE and MAJOR
AND MRS. JOSEPH S. LAKICH, 4122
Moss Rose Drive, Nashville, Tennessee,

BIG BROTHERS AIRCRAFT, INC., and
M. P. BROTHERS, JR., Nashville
Metropolitan Airport, Nashville,
Tennessee,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO. 6322
PETITION TO PERPETUATE
EVIDENCE

P E T I T I O N

To: The Honorable Frank Gray, Jr.
Chief Judge, United States District Court
for the Middle District of Tennessee

1. This petition against the United States is filed pursuant to Rules 27 and 34 of the Federal Rules of Civil Procedure governing the perpetuation of evidence before an action is filed. Rule 34 providing for the production of documents is incorporated by reference in Rule 27(3) providing for securing and perpetuating evidence prior to filing suit. The United States District Court for the Middle District of Tennessee has jurisdiction and venue of the subject matter of this action under 28 U.S.C. §§ 1346(b) and 1391(e).

2. Petitioners expect to be parties to separate tort actions cognizable in this court for wrongful death, injuries and damage under the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq., but are presently unable to bring such actions because of the provisions of 28 U.S.C. § 2675(a) requiring the filing of Administrative Claims six months prior to instituting any legal action in federal district court. Section 2675(a) of the Tort Claims Act provides:

E. Shibe C

(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section.

This statutory delay means that relevant evidence may not be secured and perpetuated by normal procedures established for securing such evidence after suit is filed and makes applicable Rules 27 and 34 adopted to provide specifically for securing evidence under such circumstances.

3. The subject matter of the expected actions and petitioners' interest therein are set out fully in the Administrative Claim attached hereto as Exhibit A incorporated herein by reference.

4. Petitioners desire to secure, establish and perpetuate certain facts, testimony, documents, statements and reports as more fully described in the prayer for relief set out below. Petitioners cannot otherwise obtain and perpetuate these facts because the FBI and the FAA, upon request, have refused to provide such information voluntarily and have refused to permit their employees and agents to be interviewed by petitioners' attorneys or to discuss or provide them with information relating to the subject matter of the expected lawsuit other than the tape recording of conversations between government agents and the pilot of the hijacked airplane, recordings obtained by petitioners only as a result of orders of this Court on October 8, 1971, in Civil Action 6322.

WHEREFORE, petitioners ask the Court for an order as follows:

1. Authorizing the petitioners' attorneys to take the depositions of the following government agents and employees upon oral examination:

(i) Bernard Sloan, an employee of the Federal Aviation Administration who operated the Jacksonville tower radio communication with the hijacked airplane.

(ii) Carrol Bright, an employee of the Federal Aviation Administration, who was present in the Jacksonville tower at the time of the hijack and supervised the activities of the Federal Aviation Administration.

(iii) Frank Burns, an agent of the Federal Bureau of Investigation, who operated the FBI's radio communications with the hijacked plane at the Jacksonville tower and also operated the FBI's radio communications with FBI agents on the ground near the aircraft after it landed.

(iv) James J. O'Connor, the FBI field agent present at the Jacksonville airport when the hijacked plane landed and in charge of the group of FBI agents who stopped, refused to refuel and fired upon the plane.

(v) George McBride, George Murphy, Dalton Mayo and Jack Faalfield, the group of FBI agents present at the Jacksonville airport in the immediate vicinity of the hijacked airplane at the time the FBI refused to refuel and began firing upon the airplane.

2. Requiring the Government to permit petitioners' attorneys to inspect and copy or photograph photographs made and tangible objects secured in connection with its investigation of the hijacking.

3. Requiring the Government to permit petitioners' attorneys to inspect and copy results or reports of physical or mental examinations and of scientific tests, measurements, calculations or experiments made in connection with the Government's investigation of the hijacking.
4. Requiring the United States to permit petitioners' attorneys to inspect and copy any written or recorded statements, documents or letters of the petitioners, members of their families or their employees made or obtained by the government in connection with its investigation of the hijacking.
5. Requiring the Government to permit petitioners' attorneys to inspect and copy all written or recorded statements made by agents or employees of the government, including internal government memoranda, documents and reports, describing, summarizing or commenting upon the activities and response of any government agent or employee in connection with the hijacking, including but not limited to facts, reasons, and explanations relating to the refusal by agents of the government to refuel the hijacked airplane, the refusal by agents of the government to follow the pilot's other requests regarding the airplane and its occupants and the firing upon the airplane by agents of the government.
6. Requiring the Government to permit petitioners' attorneys to inspect and copy all written or recorded statements showing information, facts and knowledge relating to the hijacked plane and its occupants in the possession of agents of the government immediately prior to the time FBI agents fired upon the airplane.

7. Requiring the Government to permit petitioners' attorneys to inspect and copy all written or recorded statements, manuals and documents showing the instructions, guidelines and directions given to government agents by higher authorities in the handling of this hijacking and any such general statements, instructions, guidelines and directions which agents of the government should have followed or considered in connection with their handling of this hijacking.

8. Requiring the Government to permit petitioners attorneys to inspect and copy any daily reports or confidential reports describing or alluding to the aforesaid hijacking made by agents or employees of the government who participated in the effort by the government to forestall the hijacked airplane from leaving the airport in Jacksonville, Florida.

Jack A. Butler
Jack A. Butler

Thomas Wardlaw Steele
Thomas Wardlaw Steele

Gilbert S. Merritt
Gilbert S. Merritt

Of Counsel:

Galliett, Steele, Sanford, Robinson & Merritt
23rd Floor, Life & Casualty Tower
Nashville, Tennessee 37219

VERIFICATION OF PETITION

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Mrs. Brent Quinton Downs, being duly sworn, deposes and says that she is a petitioner in this cause and that the facts alleged and stated in said petition are true to the best of her knowledge, information and belief.

Mrs. Brent Quinton Downs
Mrs. Brent Quinton Downs

Subscribed and sworn to before
me this 20th day of October, 1971.

Barbara Parker
Notary Public

My commission expires: 2-4-75

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Major and Mrs. Joseph S. Lakich, being duly sworn, depose and say that they are petitioners in this cause and that the facts alleged and stated in said petition are true to the best of their knowledge, information and belief.

Joseph S. Lakich
Major Joseph S. Lakich
Mrs. Joseph S. Lakich
Mrs. Joseph S. Lakich

Subscribed and sworn to before me
this 20th day of October, 1971.

Glenn Jackson
Notary Public

My commission expires: 1/30/74

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

M. P. Brothers, Jr., being duly sworn, deposes and says that he is the President of Big Brother Aircraft, Inc., petitioner in this cause; that the facts alleged and stated in said petition are true to the best of his knowledge, information and belief; and that he is authorized to execute this verification on behalf of the corporation of which he is the President.

M. P. Brothers, Jr.
M. P. Brothers, Jr.

Subscribed and sworn to before
me this 20th day of October, 1971.

J. Ellen Jagg
Notary Public

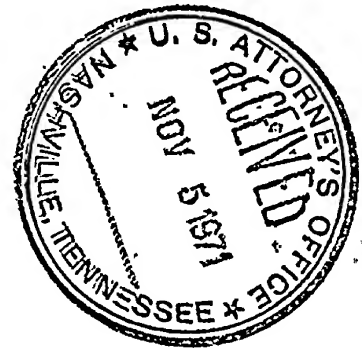
My commission expires: 1-22-72

GULLETT, STEELE, SANFORD, ROBINSON & MERRITT

B. B. GULLETT
 THOMAS WARDLAW STEELE
 VALERIUS SANFORD
 JACK WRIGHT ROBINSON
 GILBERT S. MERRITT
 J. MURRAY MILLIKEN
 G. THOMAS SHIELDS
 OLIVER B. DICKINS, JR.

TWENTY-THIRD FLOOR, LIFE & CASUALTY TOWER
 NASHVILLE, TENNESSEE 37219
 TELEPHONE (615) 244-4994

November 5, 1971



Honorable Frank Gray, Jr., Chief Judge
 United States District Court
 United States Courthouse
 Nashville, Tennessee

Re: Mrs. Brent Quinton Downs, et al.
 v. United States of America,
 Civil Action No. 6348

Dear Judge Gray:

This letter is in response to the defendant's Supplemental Brief filed November 5, 1971.

1. Facts to be Preserved.—The substance of the facts which petitioners seek to perpetuate is given in our original petition itemizing the evidence to be produced and the depositions to be taken, and in the proposed order filed November 3, 1971, describing the subject matter of the evidence to be preserved. The only purpose of requirement 5 of Rule 27 is to provide a statement sufficient to permit the Court to determine that the evidence is "relevant, material and competent testimony in the expected action" recognizing that the statement may necessarily be general because "the issues are not likely to be as well defined as in a pending action." 4 Moore's Federal Practice § 27.11, p. 1831; Arizona v. California, 292 U.S. 341 (1934).

2. Reasons for Preserving Evidence.—The government's memorandum appears to suggest that petitioners must show that unless the evidence is preserved it will in fact disappear and that petitioners cannot rely on "the normal uncertainty of human existence that witnesses will be unavailable," or evidence lost. Rule 27 itself outlines five specific requirements, none of which suggest any such limitation. The government's position in this respect is directly contrary to Moore's comments and federal authorities: "Ordinarily, a showing that the petitioner is presently unable to bring the expected action or cause it to

Honorable Frank Gray, Jr., Chief Judge
November 5, 1971
Page 2

be brought is sufficient showing of the danger of the loss of evidence by delay." 4 Moore at § 27.09, p. 1830.

"Where, however, it is shown that the subject matter of an expected action cannot be made the subject of an immediate action by the petitioner, permission to perpetuate material testimony will be granted on the ground that the 'evidence may be lost through lapse of time, a risk affecting all evidence, irrespective of any particular condition of a witness.'⁷ The right to perpetuate testimony 'does not depend on the condition of the witness, but upon the situation of the party (petitioner), and his power to bring his rights to an immediate investigation.'⁸" 4 Moore at § 27.03, pp. 1822-23.

⁷ The quotation is from Hall v. Stout (1871) 4 Del Ch R 269, approved and adopted in Westinghouse Machinery Co. v. Electric Storage Battery Co. (CCA3d, 1909) 170 Fed 430 ('The interest of the appellant in the subject-matter, its inability to bring suit or make appellee's patent a subject of judicial inquiry, and the risk that the testimony in its favor may be lost, warranted the relief so sought.'). See also Sims v. Abrams (CA5th, 1967) 389 F2d 148; Petition of Ernst (SD Cal 1942) 2 FRD 447, 6 FR Serv 27a.11, Case 1; Mosseller v. United States, *infra* n 5; Arizona v. California (1934) 292 US 341, 348, 54 S Ct 735, 738, 78 L ed 1298, 1301. Where the Attorney General of the United States was able to institute an action against the prospective defendant to annul a patent, while the plaintiff in the bill to perpetuate testimony was unable to bring a present action attacking the prospective defendant's patent, it was held that the bill to perpetuate testimony could be maintained, since it was discretionary with the Attorney General whether he would bring an action upon the plaintiff's request and whether he would use as a witness the person whose testimony the plaintiff sought to perpetuate. New York & Baltimore Coffee & Polishing Co. v. New York Coffee Polishing Co. (CCED NY 1881) 9 Fed 578.

⁸ The quotation is from Hall v. Stout (1871) 4 Del Ch R 269, approved and adopted in Westinghouse

Honorable Frank Gray, Jr., Chief Judge
November 5, 1971
Page 3

Machinery Co. v. Electric Storage Battery Co.
(CCA3d, 1909) 170 F2d 430. See Mosseller v.
United States (CCA2d, 1946) 158 F2d 380, 10 FR
Serv 27a.11, Case 1, also quoting the foregoing
statement and holding that the district court did
not abuse its discretion in ordering perpetuation
of testimony of an injured seaman where there was
medical evidence that he might die before suit
could be brought; indeed, the court said, no medical
showing was necessary since under the statute the
action could not be brought until administrative
relief had been denied or sixty days had elapsed.

"For a more recent example of the principle,
see Application of Caron (ED Ill 1957) 22 FRD 64,
quoting Treatise. Petitioner was not permitted to
take a deposition to perpetuate the testimony of a
witness in serious condition when there was no
showing that the action could not be brought
immediately."

While there is therefore no need for an additional showing, there
is an additional showing of the likelihood of such loss in the
government's papers filed with the Court. In Exhibit C to its
Supplemental Memorandum, FBI Officer Bassett states that all of
the FBI agents to be deposed "are certified for strenuous physical
exertion and dangerous assignments," and thereby gives notice
that these agents may be subject to hazardous activity affecting
their future availability. Petitioners want to take the depositions
of these fact witnesses after first reading the reports
they have made of their activities so that the facts and any
inconsistencies, omissions and uncertainty can be explained,
clarified and preserved. Rule 27 is designed to serve citizens
against the government in these circumstances as well as the government
against its citizens as it has frequently been used in the
past. See Moore at p. 1826 and The West Ira, 24 F.2d 858 and
32 F.2d 734 (5thCir. 1929).

3. Effect on the Criminal Case.—The government states
in its memorandum at page 5 that "the only real issue involved
is potential harm to a criminal case," as a result of "pretrial
publicity." Petitioners suggest that the Court can deal with
this problem easily by requiring that the documents to be preserved
be filed with the Court under seal for inspection only by the
Court and counsel for petitioners with the limitation that their

Honorable Frank Gray, Jr., Chief Judge
November 5, 1971
Page 4

contents will be disclosed to no one else until the criminal case is disposed of or upon the Court's further orders. The depositions can be handled in the same way. Counsel for defendant in the criminal case, James F. Neal, has advised counsel for the petitioners and the Court that the United States Attorney in Jacksonville has agreed to full discovery of the government's case, and there is no valid argument that preservation under the arrangements suggested above will "harm the criminal case."

4. The Jacksonville Court Order.—Assuming that the Jacksonville federal court order is valid, a fact petitioners deny, there will be no conflict if the court there excepts from its order the circumscribed disclosures required by this Court, *This Court* *should* requiring the government in the meantime to file with this Court the documentary evidence to be preserved under seal, the seal to be maintained intact until the Florida court makes such exception or its jurisdiction terminates. Until the court there acts to make such exception, this Court should also permit petitioners to take depositions of the named government employees upon written interrogatories, the answers to which would be filed under seal. Petitioners would agree to an order so conditioning the preservation of evidence.

5. Stay of Discovery.—We are dealing here with the preservation of evidence under Rule 27 and the arguments made in Paragraph IV of the government's brief respecting discovery are therefore inapposite. Moreover, the cases there cited are easily distinguishable on another ground as well: Except in the Baker case, the litigants in the civil and criminal cases are the same, and the question is simply one of the order of priority of litigation between the same parties. In the Baker case, the government was not a party, the evidence was privileged, and the government's immunity from suit and discovery had not been waived as in Federal Tort Claims cases.

6. Information Privileged.—Without asserting that the evidence to be preserved is privileged within the meaning of Reynolds v. United States, 345 U.S. 1 (1953), permitting the government to refuse disclosure of military secrets, the government says it may at some future date want to make a formal claim of privilege. The time for the Court to deal with this question is when the government asserts it as a bar to disclosure. Raising this as a smokescreen at this time is just another example of the government's curious but consistent and diligent efforts to suppress information regarding the deaths and injuries caused by its agents in this case.

Honorable Frank Gray, Jr., Chief Judge
November 5, 1971
Page 5

Our federal courts, more than any other institution, are the conscience of the nation; and, we believe, the Court's duty in this case, as in all others, is to see that justice is done, remembering—even when another branch of the government forgets—Mr. Justice Brandeis' admonition:

"Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by example." *Olmstead v. United States*, 277 U.S. 438 (1928).

Respectfully submitted,

GULLETT, STEELE, SANFORD,
ROBINSON & MERRITT

Thomas Wardlaw Steele
Thomas Wardlaw Steele

Gilbert S. Merritt
Gilbert S. Merritt

BUTLER, MCHUGH, BUTLER, TUNE & WATTS

Jack A. Butler
Jack A. Butler

Certificate of Service

I hereby certify that a copy of the foregoing letter has been served upon Honorable Charles H. Anderson by delivering the same to him at his office in the United States Courthouse, Nashville, Tennessee, on this 5th day of November, 1971.

Gilbert S. Merritt

GULLETT, STEELE, SANFORD, ROBINSON & MERRITT

B. D. GULLETT
THOMAS WARDLAW STEELE
VALERIUS SANFORD
JACK WRIGHT ROBINSON
GILBERT S. MERRITT
J. MURRAY MILLIKEN
G. THOMAS SHIELDS
OLIVER B. DICKINS, JR.

RECEIVED

NOV 9 1971

TWENTY-THIRD FLOOR, LIFE & CASUALTY TOWER
NASHVILLE, TENNESSEE 37219
TELEPHONE (615) 244-4994

U. S. ATTORNEY'S OFFICE
NASHVILLE, TENNESSEE

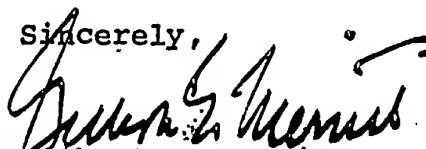
November 8, 1971

Mr. Frank Williams
Deputy Clerk
U. S. District Court Clerk's Office
U. S. Courthouse
Nashville, Tennessee 37203

Dear Frank:

I would appreciate your attaching the enclosed affidavit to my letter of November 5, 1971, to Judge Gray and seeing that they are both properly filed in the case of Downs v. United States, Civil Action No. 6348.

Sincerely,


Gilbert S. Merritt

GSM:bcj

Enclosure

cc: Mr. Charles Anderson
Mr. Neil Peterson
Mr. Jack Butler

RECEIVED

NOV 9 1971

A F F I D A V I T

U. S. ATTORNEY'S OFFICE
NASHVILLE, TENNESSEE

I, Gilbert S. Merritt, do swear that the following statements are true:

On Monday afternoon, November 1, 1971, I talked on the phone to Mr. Briggs, the United States Attorney in Jacksonville, Florida, and asked him to tell me the purpose of the government's motion regarding discovery in the Wallace criminal case in Jacksonville and his reply was substantially as follows: "To prevent the federal court in Nashville from requiring disclosure of the FBI's files in your case." I said that is an unusual procedure, and he replied substantially as follows: "We want an orderly procedure with the criminal case first." He advised that the government had entered into an agreement with attorneys for the defendant Wallace to provide them with full discovery.

Mr. James F. Neal, attorney for Wallace, stated to me on Monday, November 1, 1971, that the U. S. Attorney in Jacksonville had agreed to an "omnibus procedure" giving him full discovery of government information about the hijacking.

Mr. Charles H. Anderson on the same Monday afternoon stated to me that he and Mr. Briggs had dinner on Thursday night, October 28, 1971, and discussed how to prevent discovery in the civil case.


Gilbert S. Merritt

Subscribed to and sworn before me
this 2nd day of November, 1971.


Notary Public

My commission expires: 1/30/74

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RECEIVED FOR ENTRY

2:40 P.M.

NOV 11 1971

BRANDON LEWIS, Clerk

BY B. Edwards D.C.

MRS. BRENT QUINTON DOWNS, ET AL.]

VS.]

UNITED STATES OF AMERICA]

CIVIL NO. 6348

RECEIVED

NOV 11 1971

ORDER

CLERK'S OFFICE
NASHVILLE, TENNESSEE

Petitioners aver that they contemplate bringing a damage action against the United States, under the Federal Tort Claims Act, 28 U.S.C. §§ 2671 et seq., as soon as they are able to do so. Obviously, under the provisions of that Act, they will not be able to initiate such proceeding for approximately six (6) months. Accordingly, they have filed this petition, under Rule 27, Federal Rules of Civil Procedure, seeking both to perpetuate the testimony of certain individuals and to gain access to various items of tangible evidence.

With regard to the latter category, the United States has agreed to preserve the items sought, and certain exhibits attached to the United States. "Supplemental Brief in Opposition to Petition to Perpetuate Evidence" indicate that the necessary steps have been taken to insure that these items will, in fact, be preserved. It follows that the policy of Rule 27 will not be served by allowing petitioners to gain access at this time to the items of tangible evidence which

they seek. Accordingly, the instant petition must be DENIED insofar as it seeks to discover, or otherwise gain immediate access to, any items of tangible evidence, and it is so ORDERED. The remainder of this discussion, then, will treat the instant petition as though it were one seeking solely to perpetuate the testimony of the individuals named therein.

The United States opposes the petition on the ground that it does not meet the requirements of Rule 27. More specifically, the United States contends that "[i]f the third requirement [of that rule], separately and distinctly expressed, is satisfied by a repetition of the statements made to satisfy the first requirement, the third requirement is rendered nugatory and meaningless. Obviously then, the fact that suit cannot be brought for six months is not a reason to perpetuate testimony. There must be more than a mere present inability to sue, and that additional showing has not been made here." Supplemental Brief of United States, supra, at 2.

This court cannot agree with the foregoing statement. After a lengthy analysis of the cases, beginning with the often-cited case of Hall v. Stout, 4 Del. Ch. R. 272, this court has concluded that present inability to institute suit is, by itself, sufficient "reason" for the perpetuation of testimony. "It is common knowledge that the lapse of time is replete with hazards and unexpected events. This is so regardless of the age, health or general status of an individual, and an allegation thereof, although helpful to the court in deciding the problem presented, is not fatal [sic]. The granting of a bill directing testimony in perpetuum rei memoriam is aimed principally at the uncertainties appended to the passage of time. The reasons which are stated for desiring to perpetuate the proposed testimony must show a danger of losing the evidence

by delay. Ordinarily, a showing that the petitioner is presently unable to bring the expected action or cause it to be brought, is sufficient showing of the danger of the loss of evidence by delay. But when warranted by the circumstances, a showing that the persons with knowledge of the facts are aged or infirm, thus clearly indicating the danger that the evidence may be lost, is helpful. It is advisable, although not necessary, to show the existence of particular circumstances surrounding the condition of the evidence indicating an imminent danger of the loss of the evidence, in addition to the danger of loss attendant upon all evidence through lapse of time, for in such situations the court will readily be satisfied that the perpetuation of the testimony will prevent a failure or delay of justice." Petition of Ernst, 2 F.R.D. 447, 451 (S.D. Calif. 1942) (citation omitted) (emphasis added); accord: Westinghouse Mach. Co. v. Electric Storage Battery Co., 170 F. 430 (3rd Cir. 1909); Bowles v. Pure Oil Co., 5 F.R.D. 300 (E.D. Pa. 1946); Petition of Johanson Glove Co., 7 F.R.D. 156 (E.D. N.Y. 1945); see also Wright & Miller, Federal Practice and Procedure: Civil § 2072; Moore's Federal Practice, ¶ 27.03 through ¶ 27.09.

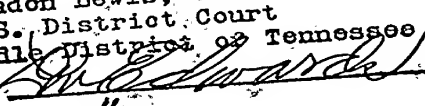
In the instant case petitioners need not, however, rely upon mere present inability to bring suit as the sole basis of their petition, for attached as "Exhibit C" to the United States' "Supplemental Brief in Opposition to Petition to Perpetuate Evidence" is an affidavit of Harold N. Bassett, Personnel Officer of the FBI, wherein he swears that, as far as is known to the FBI, the individuals whose testimony the instant petition seeks to perpetuate "have all been certified for strenuous physical exertion and dangerous assignments. . . ." Given this circumstance, "the court . . . [is] readily . . .

satisfied that the perpetuation of the testimony will prevent a failure or delay of justice." Petition of Ernst, supra.

There is, however, a serious problem in this case regarding just what testimony the petitioners desire to perpetuate, for, in the opinion of the court, neither the petition nor the proposed order submitted by petitioners sets forth with the requisite specificity the substance of the testimony sought to be elicited. Accordingly, before proceeding further in this matter, it is ORDERED that petitioners file with the court, for its consideration, a more detailed summary of what questions they intend to ask the prospective deponents in order to perpetuate their testimony. It is suggested that such summary be couched in the form of written interrogatories, which could be answered by the prospective deponents.


UNITED STATES DISTRICT JUDGE

ATTEST: A TRUE COPY

Brandon Lewis, Clerk
U. S. District Court
Middle District of Tennessee
By:  D.O.

ME 164-76.

Photostatic reproductions of the civil actions contained in this report, which were filed in this case in the U. S. District Court, Middle District of Tennessee, Nashville, were made available by the U. S. Attorney's Office, Middle District of Tennessee, Nashville.

NR004 ME PLAIN

9:10 PM NITEL 12-14-71 DMB

TO DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL; CAA -
HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED
WEAPON; KIDNAPING; FTCA; OO: JACKSONVILLE.

Referral/Consult

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

George Giff b6
b7C



1004



-267

DEC 15 1971

MEMPHIS, AT NASHVILLE, WILL CONTINUE TO MAINTAIN CLOSE
LIAISON WITH USDC CLERK'S OFFICE AND USA ANDERSON FOR ANY
PERTINENT DEVELOPMENTS AND PROMPTLY ADVISE BUREAU AND
JACKSONVILLE.

DEC 21 1971

PLS HOLD

4364



b6
b7C

6-12

F B I

Date: 11/17/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, E.S.	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, OKLAHOMA CITY (164-54) -P-

SUBJECT: GEORGE MALLORY GIFFE, JR., Aka ~~ALSO KNOWN AS~~
(Deceased); ET AL;

CRIME ABOARD AIRCRAFT - ~~GAA~~ - HIJACKING, INTIMIDATION OF
CREW MEMBERS, CARRYING A CONCEALED
WEAPON; KIDNAPING; ~~PTCA~~ Federal Tort Claims Act
OFFICE OF ORIGIN ~~OO~~: Jacksonville

Re Jacksonville airtel to Bureau 11/5/71; myairtel to
Jacksonville 10/9/71, transmitting FD-302s re aircraft involved.

For the information of the Bureau and Jacksonville,

SAC Contact

[redacted] advised confidentially today that [redacted]

[redacted] also advised confidentially
that in talking to [redacted]

[redacted] had no information concerning [redacted]

LEADS

JACKSONVILLE DIVISION

AT JACKSONVILLE, FLA.

Will initiate appropriate inquiry to verify sale of
instant aircraft.

② - Bureau
2 - Jacksonville
2 - Oklahoma City
JWB:mwr
(6)

REC-12

164-2042-268

15 NOV 22 1971

EX-100

Approved: 61 DEC 28 1971
Special Agent in Charge

Sent _____ M Per _____

OC 164-54

OKLAHOMA CITY DIVISION

AT OKLAHOMA CITY, OKLA.

Will contact Federal Aviation Administration and attempt to identify purchaser of aircraft through any title search that might be instituted prior to consummation of a transfer of title.

CCP = Mr. Bishop
Mr. Dalbey

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (164-2042)

DATE: 12/11/71

FROM : SAC, MEMPHIS (164-76) (P)

SUBJECT: GEORGE MALLOY GIEFF, JR., aka (Deceased);
[redacted] aka;

b6
b7C

ET AL;
CAA - HIJACKING, INTIMIDATION OF
CREW MEMBERS, CARRYING A CONCEALED WEAPON;
KIDNAPING; FTCA

(OO: JACKSONVILLE)

Re Jacksonville telephone call to Memphis,
12/10/71.

Enclosed herewith are 4 copies of an LHM
setting forth answers of SA [redacted] Memphis
Division, in reply to interrogatories submitted in
accordance with Court Order of 11/11/71, USDC, MDT,
Nashville.

The enclosed LHM is being forwarded to the
Bureau pursuant to instructions received from the
Jacksonville Division in referenced telephone call.

ENCLOSURE

2 - Bureau (Encs. 4) EX-117
2 - Memphis

RAM:jap
(4)



5010-108

58 DEC 1971

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

REC-51

1cc for T-Ad
1cc for [redacted]
Orig with yellow [redacted] 12/17
1cc to Dept by [redacted] 12/14

6-1
164-2042-269

20 DEC 15 1971

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 11 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR 001 JK PLAIN

9:50 AM NITEL 12-11-71 CRE

TO DIRECTOR (164-2042)

BALTIMORE (164-100)

MEMPHIS (164-76)

OKLAHOMA (164-54)

FROM JACKSONVILLE (164-103)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); [REDACTED] AKA;
ET AL, CAA-HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A
CONCEALED WEAPON; KIDNAPPING; FTCA, OO:JACKSONVILLE.

RE JACKSONVILLE TELETYPE TO BALTIMORE NOVEMBER NINE, LAST AND
JACKSONVILLE TELETYPE TO BUREAU DECEMBER TEN, LAST.

ON DECEMBER TEN, LAST, CONFERENCE HELD BETWEEN USDJ TJOFLAT,
USA JOHN BRIGGS, AUSA'S [REDACTED] AT
JACKSONVILLE CONCERNING HEARING TO BE HELD ON MOTIONS OF CHANGE OF
VENUE IN CRIMINAL CASE AT JACKSONVILLE, FLA., AT EIGHT THIRTY A.M.,
ON DECEMBER FOURTEEN, NEXT.

USA BRIGGS INDICATED TO JUDGE TJOFLAT THAT HE WANTED TO BE IN
POSITION TO INDICATE THAT TRIAL CALENDAR IN JACKSONVILLE AS AGAINST
THAT IN NASHVILLE WOULD ENABLE CRIMINAL MATTER TO BE HANDLED WITHIN
APPROPRIATE THIRTY DAY PERIOD IF VENUE REMAINS AT JACKSONVILLE.

END PAGE ONE

55 DEC 21 1971

2304

6-112

PAGE TWO

JK 164-103

JUDGE TJOFLAT ADVISED USA BRIGGS THAT THIS WOULD BE ENTIRELY POSSIBLY DUE TO HIS REVIEW OF CURRENT COURT CALENDAR. [JUDGE TJOFLAT EXPRESSED CONCERN OVER THE CONTINUING EVENTS AT NASHVILLE WHICH PERSIST IN MINGLING THE CRIMINAL AND PROPOSED CIVIL SUIT ARISING OUT OF CAPTIONED MATTER. HE SAID THAT HE BELIEVED THAT THE JUSTICE DEPARTMENT SHOULD MAKE A MORE VIGOROUS EFFORT TO PERSERVE THE CRIMINAL MATTER AS THIS IS OF PRIME IMPORTANCE AT THIS TIME.]

USA BRIGGS ESTIMATED THAT IF VENUE WAS RETAINED AT JACKSONVILLE WITH CONSIDERATION GIVEN TO NORMAL APPEALS BY DEFENDANT'S ATTORNEYS TO CHANGE VENUE HE ESTIMATED THAT CRIMINAL MATTER WOULD ENTER TRIAL STATUS DURING LATE FEBRUARY OR EARLY MARCH, NINETEEN SEVENTYTWO.

IN VIEW OF THE ABOVE THE EXHIBIT SECTION OF THE BUREAU IS REQUESTED TO ADVISE JACKSONVILLE AND MEMPHIS OF THE STATUS OF PROPOSED EXHIBITS WHICH ARE TO BE USED IN BOTH CRIMINAL AND CIVIL MATTERS.

BALTIMORE AT OCEAN CITY, MARYLAND, WILL EXPEDITE SUBMISSION OF RESULTS OF REINTERVIEW WITH [REDACTED]

[REDACTED] AS SET FORTH IN ABOVE REFERENCED TELETYPE.

OKLAHOMA CITY WILL CHECK FLIGHT STANDARDS SECTION, FAA, AND DETERMINE STATUS OF REPORT BEING PREPARED BY FAA EMPLOYEE [REDACTED]

[REDACTED]

ALL LEADS IN THIS MATTER MUST BE HANDLED ON EXPEDITE BASIS AND THIS CASE IS TO BE GIVEN PREFERRED AND CONTINUOUS ATTENTION.
END

GXC FBI WASHDC

CC EXHIBITS SECTION

F B I

Date: 12/13/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, JACKSONVILLE (164-103)

RE: GEORGE MALLORY GIFFE, JR., aka (Deceased);
[redacted] aka;
 ETAL
 CAA-HIJACKING, INTIMIDATION OF CREW MEMBERS,
 CARRYING A CONCEALED WEAPON; KIDNAPING; FTCA
 (JK OO)

b6
b7C

ReBuTelcall 12/10/71.

Enclosed herewith for the Bureau are replies to interrogatories submitted in accordance with a court order dated 11/11/71 in U. S. District Court, Nashville, Tenn., in Civil Action No. 6348.

The replies are from:

ASAC [redacted]
 SA [redacted]
 SA [redacted]
 SA [redacted]
 SA [redacted]
 SA [redacted]

164-2042-271
 12 DEC 15 1971
 EX-104
 1 cc of LHM to [redacted]
 12/14/71
 1 cc per [redacted]
 orig for [redacted] Dept

2-Bureau (Enc. 18)
 2-Jacksonville
 JOC:bet
 (4)

6-12

Approved: [signature]
 Special Agent in Charge

Sent _____ M Per _____

58 DEC 21 1971

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bates

FROM : R. J. Gallagher

SUBJECT: GEORGE M. GIFFE, JR. (DECEASED);
ET AL.
CRIME ABOARD AIRCRAFT - HIJACKING;
KIDNAPING;
FEDERAL TORT CLAIMS ACT

DATE: December 13, 1971

1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Gallagher
1 - [REDACTED]
1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Dalbey

Tolson _____
Felt _____
Rosen ☒ *RS*
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Cleveland ☒ *CL*
Bonder _____
Bates ☒ *BT*
Tavel _____
Walters _____
Soyars _____
Tele. Room *b6* _____
Holmes *b7C* _____
Gandy _____

This concerns the October 4, 1971, hijacking of a small aircraft wherein Giffe and one [REDACTED] participated. Giffe is deceased and [REDACTED] has been charged at Jacksonville, Florida, with violation of the Federal Kidnaping Statute. A civil suit has been filed in United States District Court, Nashville, Tennessee, in connection with this incident.

By letter dated December 10, 1971, the Assistant Attorney General, Civil Division, provided us with copies of interrogatories filed by plaintiffs' attorney requesting response from certain personnel of our Jacksonville and Memphis Offices in connection with the civil suit. We are presently obtaining the requested responses.

This morning [REDACTED] of the Office of Assistant Attorney General, Civil Division, advised that a conference will be held in the Department at 10:00 a.m., Wednesday, December 15, 1971, to iron out our possible objections to submission of the responses and to determine, if possible, what the repercussions will be if we do furnish the responses. [REDACTED] has requested that a representative of this Bureau attend the conference to assist in formulating further action in this matter.

RECOMMENDATION:

In view of our vital interest in this matter and in order to insure our interests are protected, it is recommended that representatives of the General Investigative Division and the Office of Legal Counsel attend the conference on December 15, 1971.

JFH:jyl
(8)

54 DEC 23 1971

RS
par
WBS

R
amb

pc

h

gmr

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Mr. Tolson_____
Mr. Felt_____
Mr. Rosen_____
Mr. Mohr_____
Mr. Bishop_____
Mr. Miller, ES_____
Mr. Callahan_____
Mr. Casper_____
Mr. Conrad_____
Mr. Dalbey_____
Mr. Cleveland_____
Mr. Ponder_____
Mr. Bates_____
Mr. Tavel_____
Mr. Walters_____
Mr. Soyars_____
Tele. Room^{b6}_____
Miss Holmes^{b7C}_____
Miss Gandy_____

NR 03 ME PLAIN

DEC 15 1971

8:02 NITEL 12-15-71 SDC

TELETYPE

TO DIRECTOR 164-2042

JACKSONVILLE 164-103

KNOXVILLE

FROM MEMPHIS 164-76 2P

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL. CAA - HIJACKING;
INTIMIDATION OF CREW MEMBERS; CARRYING A CONCEALED WEAPON; KIDNAPING;
FTCA. 00: JK.

KNOXVILLE NOTE

ADVISED SHE HAD CONVERSATION WITH MRS. GEORGE GIFFE, SR. AND THAT MRS. GIFFE'S FATHER WAS CABLEIGH HAYS, A CHATTANOOGA ATTORNEY. HAYS ALLEGEDLY HAS A FRIEND NAME [REDACTED] WHOM SUBJECT GIFFE FREQUENTLY MENTIONED. SUBJECT GIFFE STATED [REDACTED] OWNED A LEAR-JET AIRPLANE AND THAT HE HAD TRAVELED WITH [REDACTED] CONSIDERABLY. [REDACTED] SAID SUBJECT GIFFE ALSO SPOKE OF [REDACTED] (LNU), WHO [REDACTED] BELIEVES COULD BE [REDACTED] AND [REDACTED] (PHONETIC) BUT DID NOT KNOW IF [REDACTED] KNEW THEM.

INFORMATION DEVELOPED SUBJECT [REDACTED] WHILE EMPLOYED AT ANDREWS, N.C., MAY THROUGH AUGUST NINETEEN SIXTYNINE, WITH MAGNOVOX COMPANY, USED NAME [REDACTED] A GALLATIN, TENNESSEE, GROCER, AS A REFERENCE.

INVESTIGATION AT GALLATIN DETERMINED [REDACTED] MOVED TO [REDACTED]

END PAGE ONE

PAGE TWO

ME 164-76

NO ADDRESS LISTED, IN AUGUST NINETEEN SEVENTYONE BUT [REDACTED] WAS TO

b6
b7c

[REDACTED]

KNOXVILLE AT CHATTANOOGA. INTERVIEW CABLEIGH HAYS FOR ALL INFORMATION RE SUBJECTS GIFFE AND [REDACTED] DETERMINE FROM HAYS LOCATION OF [REDACTED] INTERVIEW [REDACTED] IN DETAIL REGARDING ALL INVESTIGATION RE GIFFE'S ACTIVITIES, ASSOCIATES, AND TRAVEL. DETERMINE IF [REDACTED] KNOWS [REDACTED] OR [REDACTED] SETTING FORTH LEADS TO INTERVIEW THEM.

KNOXVILLE AT SEWANEE. THRGH [REDACTED] LOCATE AND INTERVIEW [REDACTED] REGARDING HIS KNOWLEDGE SUBJECTS [REDACTED] AND GIFFE.

KNOXVILLE FORWARD SUMMARY OF INTERVIEWS BY NITEL AND FOLLOW WITH FD THREE ZERO TWOS TO JACKSONVILLE DIVISION.

BUREAU HAS INSTRUCTED THIS CASE TO RECEIVE PREFERRED AND CONTINUOUS ATTENTION. P. END.

KPT FBI WASH

CLR

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 16 1971

TELETYPE

Mr. Tolson_____
Mr. Felt_____
Mr. Rosen_____
Mr. Mohr_____
Mr. Bishop_____
Mr. Miller, ES_____
Mr. Callahan_____
Mr. Casper_____
Mr. Conrad_____
Mr. Dalbey_____
Mr. Cleveland_____
Mr. Ponder_____
Mr. Bates_____
Mr. Tavel_____
Mr. Walters_____
Mr. Soyars_____
Tele. Room_____
Miss Holmes_____
Miss Gandy_____

NR010 JK PLAIN

1:36..AM SENT 12-16-71 NITEL 12-15-71 ALH

TO DIRECTOR (164-2042)

ATLANTA (164-241)

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103)(P)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); [REDACTED] AKA.,
ET AL. CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS. CARRYING
A CONCEALED WEAPON; KIDNAPING; FTCA. OO: JK.

REBUTELCALLS TO JACKSONVILLE, THIS DATE, AND JACKSONVILLE TELCALLS
TO ATLANTA AND NASHVILLE, THIS DATE.

ON THIS DATE, AUSAU [REDACTED] TELEPHONICALLY CONTACTED
USA'S OFFICE, JACKSONVILLE, AND DICTATED CONTENTS OF AFFIDAVITS TO BE
PREPARED BY HIS OFFICE. [REDACTED] ALSO ADVISED USA BRIGGS THAT HE
IS REQUIRED TO PREPARE AFFIDAVIT FOR SUBMISSION TO DEPARTMENTAL
ATTORNEY [REDACTED] AT NASHVILLE ON DEC. SIXTEEN, NEXT.

ASAC [REDACTED] SAS [REDACTED] HAVE DEC 17 1971

ALL SIGNED ABOVE AFFIDAVITS ON THIS DATE. SA [REDACTED] WILL SIGN HIS
AFFIDAVIT EARLY MORNING OF DECEMBER SIXTEEN, NEXT.

END PAGE ONE

57 DEC 22 1971

JK 164-103

PAGE TWO

ON DECEMBER SIXTEEN, NEXT, JACKSONVILLE WILL PLACE AFOREMENTIONED AFFIDAVITS ABOARD EASTERN AIRLINES FLIGHT TWO FOUR TWO, DEPARTING JACKSONVILLE AT ONE TWENTY PM, ARRIVING AT ATLANTA, GA., AT TWO FIFTEEN PM. ATLANTA AGENT WILL MEET EASTERN FLIGHT TWO FOUR TWO AND OBTAIN AFFIDAVITS, AND WILL PLACE THEM ABOARD EASTERN FLIGHT SIX TWO FOUR, DEPARTING ATLANTA AT THREE THIRTY FIVE PM, AND ARRIVING AT NASHVILLE AT THREE TWENTY NINE PM, CENTRAL TIME, TO BE MET BY NASHVILLE AGENT.

JACKSONVILLE WILL TELEPHONICALLY CONTACT ATLANTA UPON DEPARTURE OF EASTERN FLIGHT FROM JACKSONVILLE AND WILL ADVISE OF IDENTITY OF EASTERN CREW MEMBER HAVING CUSTODY OF PACKAGE.

ATLANTA UPON DEPARTURE OF EASTERN FLIGHT FROM ATLANTA, WILL TELEPHONICALLY CONTACT NASHVILLE RA VIA FTS NUMBER SIX ONE FIVE, SEVEN FOUR NINE - FIVE NINE TWO ZERO, AND ADVISE OF IDENTITY OF CREW MEMBER HAVING PACKAGE.

MEMPHIS AT NASHVILLE WILL PROMPTLY DELIVER ABOVE AFFIDAVITS TO USA'S OFFICE.

JACKSONVILLE WILL FURNISH COPIES OF AFFIDAVITS TO BUREAU AND MEMPHIS BY FOLLOWING AIRTEL.

END PAGE TWO

JK 164-103

PAGE THREE

MEMPHIS AT NASHVILLE WILL CLOSELY FOLLOW LEGAL ACTION AT NASHVILLE ON DECEMBER SEVENTEEN, NEXT, AND WILL ADVISE BUREAU AND JACKSONVILLE OF FULL DETAILS BY TELETYPE. ANY INDICATION THAT ANSWERS TO INTERROGATORIES MAY BE MADE PART OF CURT RECORD MUST BE COMMUNICATED TO BUREAU AND ORIGIN BY TELEPHONE.

END

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 16 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Room	_____
Holmes	_____
Gandy	_____

R 02 ME PLAIN

10:37 AM URGENT 12-16-71

TO DIRECTOR 164-2042

JACKSONVILLE 164-103

FROM MEMPHIS 164-76 2P

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL; CAA - HIJACKING -
INTIMIDATION OF CREW MEMBERS; CARRYING A CONCEALED WEAPON; KIDNAPPING;
FTCA. OO: JK.

RE BU TELEPHONE CALL TO MEMPHIS, DECEMBER FIFTEEN, LAST.

PER BUREAU INSTRUCTIONS AFFIDAVIT PREPARED BY USA'S OFFICE, MDT,
NASHVILLE, BASED ON INFO SUPPLIED BY [REDACTED] DEPARTMENTAL
ATTORNEY, EXECUTED BY SA [REDACTED] MEMPHIS DIVISION, LATE P.M.,
DECEMBER FIFTEEN, LAST, AND IS IN POSSESSION USA'S OFFICE, NASHVILLE.
NASHVILLE AGENT WILL MEET EAL FLIGHT SIX TWO FOUR AT NASHVILLE THIS
DATE TO INSURE AFFIDAVIT PROPERLY DELIVERED TO USA, NASHVILLE.

USA CHARLES ANDERSON, MDT, NASHVILLE, THIS DATE ADVISED HE EXPECTS
TELEPHONE CALL FROM [REDACTED] RE ARRANGEMENTS FOR DELIVERY AFFIDAVIT

AND RESPONSE OF [REDACTED] ON GOVERNMENT'S BEHALF. ANDERSON EXPECTS
TO ASSEMBLE RESPONSE WHICH INCLUDES ALL FBI AGENTS' AFFIDAVITS FOR
16 DEC 17 1971

END PAGE ONE

58 DEC 21 1971

PAGE TWO

ME 164-76

FILING USDC, MDT, NASHVILLE, DECEMBER SEVENTEEN, NEXT. ANDERSON WILL PROMPTLY ADVISE OF ALL DEVELOPMENTS AND BUREAU AND JACKSONVILLE WILL BE SO NOTIFIED.

COPIES OF AFFIDAVIT OF SA BEING FORWARDED TO BUREAU AND JACKSONVILLE THIS DATE BY AIRTEL.

b6
b7C

P. END.

MRF FBI WA DC

December 16, 1971
GENERAL INVESTIGATION DIVISION

This concerns the 10/4/71 hijacking of a chartered aircraft from Nashville, Tennessee, to Jacksonville, Florida, participated in by George Mallory Giffe, Jr. (deceased) and [REDACTED]

[REDACTED] presently charged with a violation of the Federal Kidnaping Statute at Jacksonville, Florida. A civil suit has been filed in U. S. District Court, Nashville, arising out of this incident.

Attached sets forth denial by the U. S. District Judge at Jacksonville of a motion for change of venue transferring the kidnaping case from Jacksonville to Nashville.

JFH:mcp

YH

~~DD~~ RS

RJR.

CWB PC

276

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 15 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR001 JK PLAIN

4:40 M URGENT 12-15-71 HER

DIRECTOR (164-2042)

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103)

Also Known As
GEORGE MALLORY GIFFE, JR., AKA (DECEASED);
Crime Aboard Aircraft
ETAL, CAA-HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING CON-
Federal Tort Claims Act
CEALED WEAPON; KIDNAPING; FTCA, OO: JK

Office of Origin: Jacksonville

U. S. District Judge
DURING LATE AFTERNOON, DECEMBER FOURTEEN, LAST, USDC
U. S. District Court Florida,
GERALD B. TJOFLAT, USDC, JACKSONVILLE, FLA., ENTERED ORDER DENYING
MOTION FOR CHANGE OF VENUE IN [] CASE FROM JACKSONVILLE TO
Tennessee.
NASHVILLE, TENN. SYNOPSIS OF CONTENTS OF ORDER AS FOLLOWS:

ONE, DEFENDANT [] IS INDIGENT WITHIN PURVIEW OF CRIMINAL
JUSTICE ACT; SI-106 REC-32 164-2042-276

TWO, DEFENDANT'S ALLEGED FINANCIAL INABILITY TO AFFORD TRANSPORTATION TO JACKSONVILLE FOR TRIAL IS MOOT ISSUE SINCE
GOVERNMENT WILL BEAR EXPENSE BURDEN UNDER CRIMINAL JUSTICE ACT;

THREE, A FAIR AND IMPARTIAL TRIAL IS NOT A FACTOR FOR CONSIDER-
ATION SINCE DEFENDANT WOULD RECEIVE FAIR AND IMPARTIAL TRIAL IN
EITHER MIDDLE DISTRICTS OF FLORIDA OR TENNESSEE;

END PAGE ONE
51 DEC 23 1971

PAGE TWO

JK 164-103

FOUR, STATUS OF COURT CALENDAR IN JACKSONVILLE DIVISION
IS SUCH THAT CASE CAN BE TRIED IN JANUARY, SEVENTYTWO;

FIVE, IT APPEARS MAJORITY OF WITNESSES WILL COME FROM
JACKSONVILLE AREA AND COST FOR TRANSPORTATION OF SAME TO BE ASSESSED
AGAINST GOVERNMENT WILL BE SUBSTANTIALLY DECREASED IF CASE IS TRIED
IN JACKSONVILLE. ALTHOUGH NUMBER AND LOCATION OF WITNESSES IS NOT
CONTROL FACTOR, IT HAS BEEN CONSIDERED IN DETERMINING CONVENIENCE
TO ALL PARTIES AND WITNESSES;

SIX, CASE HAS BEEN UNDER SUPERVISION OF ^{U.S. Attorney's} ~~USA'S~~ OFFICE, JACKSONVILLE,
SINCE START; VOLUMINOUS RECORDS HAVE BEEN COMPILED IN INVESTIGATION ;
JACKSONVILLE OFFICE PRESENTED MATTER TO ^{Federal Grand Jury} ~~FGJ~~, WHICH RETURNED
INDICTMENT; JACKSONVILLE GOVERNMENT COUNSEL FULLY PREPARED TO
PRESENT CASE AT THIS TIME; USA'S OFFICE, NASHVILLE, WOULD REQUIRE
ADDITIONAL TIME TO BECOME FAMILIAR WITH FACTS AND TO PREPARE FOR
TRIAL IF TRANSFERRED;

SEVEN, ^{DEFENDANT} ~~DEGENZANO~~ FAILED TO CARRY BURDEN REQUIRED OF HIM BY
PROVISIONS OF RULE TWENTYONE (B) OF FEDERAL RULES OF CRIMINAL PROCEDURE
TO SHOW THAT TRIAL IN JACKSONVILLE WOULD ACT AS INCONVENIENCE TO
EIGHER PARTY AND TO SHOW THAT THE INTERESTS OF JUSTICE WOULD NOT BE
MET IF THE CASE WAS NOT TRANSFERRED.

END PAGE TWO

PAGE THREE

JK 164-103

AFFIDAVITS PREPARED BY ASAC [] ^{Special Agent} AND SA [] AT JACKSONVILLE ^{b6}
IN SUPPORT OF GOVERNMENT'S POSITION DURING HEARING ON ABOVE MATTER ^{b7C}
DECEMBER FOURTEEN, LAST. [] AFFIDAVIT INDICATED NEED FOR
TWENTYFOUR JACKSONVILLE AGENTS TO TRAVEL TO NASHVILLE FOR POSSIBLE
TESTIMONY IF CASE TRANSFERRED. SA [] AFFIDAVIT RELATED TO VOLUME
OF FILES AND EXHIBITS COMPILED AT JACKSONVILLE AND THE NECESSARY
TRANSPORTATION OF THESE ITEMS TO NASHVILLE SHOULD CASE BE TRANSFERRED.

NO INDICATION AS OF THIS DATE OF APPEAL BY DEFENDANT OF ABOVE
ORDER. NO DATE SET FOR HEARING ON MOTIONS TO DISMISS GRAND JURY
INDICTMENT AT JACKSONVILLE.
~~JACKSONVILLE~~

BUREAU WILL BE KEPT ADVISED OF ALL PERTINENT DEVELOPMENTS AS
THEY OCCUR.

END

MRF FBI WA DC

FBI

Date: 12/16/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)b6
b7C

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, JACKSONVILLE (164-103) (P)

SUBJECT: GEORGE MALLORY GIFFE, JR., aka (DECEASED);
[redacted] aka
ET AL
CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS,
CARRYING A CONCEALED WEAPON; KIDNAPING; FTCA
OO: JACKSONVILLE

ReJKtel, 12/15/71.

Enclosed for the Bureau and Memphis are three
copies of the Order of United States District Judge
GERALD BARD TJOFAT, filed in Jacksonville, Florida, on
12/14/71, relative to the motion for change of venue
in the [redacted] matter.

- 2 - Bureau (Enc. 3) (RM)
2 - Memphis (Enc. 3) (164-76) (RM)
2 - Jacksonville

FAB-ahc
(6)

REC-60

EX-117

DEC 18 1971

Approved: [Signature]

Special Agent in Charge

Sent

M

Per

Enc. to Bureau 164-2042

From Jk 164-103

3 Court orders

Re: George Mallory Giffie Jr. aka (deceased)

aka

b6
b7C

ET AL



ENCLOSURE

164-2042-277

FILED
JACKSONVILLE, FLORIDA
DEC 14 1971
WESLEY R. THIES
CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 71-212-CR-J.

BOBBY WAYNE WALLACE

O R D E R

Upon consideration of the defendant's motion for transfer, the Government's response, affidavits affixed thereto, evidence and exhibits presented, and oral argument before this Court, the Court finds as follows:

1. The defendant Bobby Wayne Wallace is indigent within the purview of the Criminal Justice Act.

2. The defendant's alleged financial inability to bear the cost of transportation of witnesses to Jacksonville, Florida, for trial is a moot issue since the Government under the Criminal Justice Act will bear this burden.

3. A fair and impartial trial is not a factor to be considered since the defendant will receive a fair and impartial trial in either the Middle District of Florida or the Middle District of Tennessee.

4. The status of the court calendar in the Middle District of Florida, Jacksonville Division, is such that this case can be tried in January of 1972.

5. It appears that a majority of the witnesses will come from the Jacksonville area, and the cost of

164-HQ-2042-277

transporting the witnesses, which will be assessed against the Government, will be substantially decreased if this cause is tried in Jacksonville, Florida. Although the number of witnesses and their location is not a controlling factor, it has been considered in determining convenience to all parties and the witnesses.

6. This case has been under the supervision of the United States Attorney's office in Jacksonville, Florida, from its inception; voluminous records have been compiled in the investigation of this case; the Jacksonville office presented this matter to the grand jury which returned the indictment; the Jacksonville Government counsel are fully prepared to present the case at this time; the United States Attorney's office in Nashville, Tennessee, will require additional time to become familiar with the facts and to prepare for trial if this cause were transferred.

7. The defendant has failed to carry the burden required of him by the provisions of Rule 21(b) of the Federal Rules of Criminal Procedure to show that a trial in the Middle District of Florida, Jacksonville Division, would act as an inconvenience to either party and to show that the interests of justice would not be met if the case was not transferred.

Accordingly, on this 14th day of December, 1971, it is ORDERED and ADJUDGED that the defendant's motion for transfer is hereby denied.


JUDGE

FBI

Date: 12/16/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, MEMPHIS (164-76) (P)

SUBJECT: GEORGE MALLORY GIFFE, JR., aka
(deceased);
ET AL;
CAA - HIJACKING, INTIMIDATION
OF CREW MEMBERS; CARRYING A
CONCEALED WEAPON; KIDNAPING; FTCA
(OO: Jacksonville)

Re Memphis teletype to Bureau and Jacksonville
12/16/71 and Bureau telephone call to Memphis 12/15/71.

Enclosed for Bureau are 2 copies of affidavit
of SA [redacted] dated 12/15/71; and enclosed for
Jacksonville Division are 2 copies of same affidavit.

Pursuant to instructions received in Bureau
telephone call, enclosed affidavit, prepared by USA's
Office, Middle District of Tennessee, Nashville, Tenn-
essee, upon specific instructions of [redacted]
Departmental Attorney, was completed by SA [redacted] and
is in possession of the USA's Office, Nashville.

②-Bureau (Encs. 2)
2-Jacksonville (164-108) (Encs. 2)
2-Memphis
RAM:mas
(6)

ENCLOSURE ATTACHED
ENCLOSURE
EX-117

DEC 18 1971

Approved: _____

Special Agent in Charge

Sent _____

M Per _____

ME 164-76

USA CHARLES ANDERSON, Middle District of Tennessee, Nashville, advised 12/15/71 he expects to file response of Government in opposition to answering interrogatories on 12/17/71, and Bureau will be promptly advised of any pertinent developments in this case.



ENCLOSURE

164-2042-278

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

b6
b7C

[REDACTED]
BIG BROTHER AIRCRAFT, INC., and
[REDACTED] Nashville
Metropolitan Airport, Nashville,
Tennessee,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO. 6348

A F F I D A V I T

STATE OF TENNESSEE:

COUNTY OF DAVIDSON:

[REDACTED] being first duly sworn deposes and states
as follows:


1. My name is [REDACTED] and I am a Special Agent
of the Federal Bureau of Investigation assigned to the Nashville,
Tennessee, regional office. I make this affidavit based upon
my personal knowledge in support of the further opposition of the
United States to Plaintiffs' Motion to Perpetuate Testimony and in
relation to the Interrogatories preponed by plaintiffs November 22,
1971 in conformity of an Order of this Court entered on November 11,
1971.

2. In response to a request of [REDACTED]
an attorney for the United States in this action, I have
personally prepared and reduced to documentary form answers on
my own behalf to such of the referenced interrogatories as are


164-2042-278

applicable to me. My answers were set forth in a Letterhead Memorandum dated December 11, 1971 consisting of five pages and specific answers to nineteen interrogatories. The answers I wrote in the said Letterhead Memorandum are now an official document of the F.B.I. which has been placed in the files of both the Memphis, Tennessee, field office; and the Washington, D.C., headquarters of the F.B.I., and will be preserved therein continually under extant F.B.I. policies and pursuant to specific instructions of the Civil Division of the Department of Justice. The stated answers are all true and correct to the best of my personal knowledge, and I would testify to precisely those answers if asked similar questions on deposition or in court.

b6
b7c


Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 15 day
of December, 1971.


Deputy Clerk

F B I

Date: 12-16-71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, JACKSONVILLE (164-103)

SUBJECT: GEORGE MALLORY GIFFE, JR., Aka. (Deceased);
 [REDACTED] Aka.;
 ET AL.
 CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS,
 CARRYING A CONCEALED WEAPON; KIDNAPING; FTCA
 OO: JK

Re Jacksonville teletype to Bureau, Atlanta and
 Memphis 12-15-71.

Enclosed for the Bureau and Memphis are three
 copies each of affidavits prepared and signed by USA BRIGGS,
 Jacksonville, and by ASAC [REDACTED] SAs [REDACTED]

and [REDACTED] of the Jacksonville Field Division.

ENCLOSURE

- ② - Bureau (Enc. - 2) (RM)
 2 - Memphis (164-103) (Enc. - 2) (RM)
 2 - Jacksonville

FAB-kgn
 (6)

REC-60

SI-103

DEC 18 1971

Approved: WMB/

Special Agent in Charge

Sent _____

M

Per _____

RA

REC-21 164-2042-280

December 17, 1971

EX-107

Honorable Alan Cranston
United States Senate
Washington, D. C. 20510

- 1 - Mr. Rosen
- 1 - Mr. Bates
- 1 - Mr. Gallagher
- 1 -
- 1 - Mr. Bishop
(Attn: Mr. Bowers)

b6
b7C

My dear Senator:

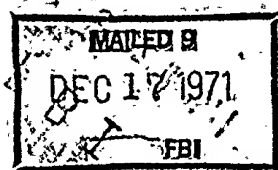
Your letter dated December 8, 1971, addressed to the Office of Congressional Liaison, Department of Justice, Washington, D. C., enclosing a telegram to you from John P. Gratz, has been referred to us by the Department of Justice.

You may be assured our primary consideration in all aircraft hijacking cases has been and will continue to be the well-being of all persons aboard.

W

I am unable to comment further concerning the matter referred to by Mr. Gratz in his telegram to you due to an order of the United States District Court in Jacksonville, Florida.

The enclosure is being returned to you in accordance with your request.



Sincerely yours,
J. Edgar Hoover

Curb

RG *PER* *AS*

Enclosure

- Tolson _____
- Felt _____
- Rosen _____
- Mohr _____
- Bishop _____
- Miller, E.S. _____
- Callahan _____
- Casper _____
- Conrad _____
- Dalbey _____
- Cleveland _____
- Ponder _____
- Bates _____
- Tavel _____
- Walters _____
- Soyars _____
- Tele. Room _____
- Holmes _____
- Gandy _____

JFH:bkc
(8)

54 DEC 23 1971

SEE NOTE PAGE TWO . . .

PC *TEB/DFW* *jam*

MAIL ROOM ☐ TELETYPE UNIT ☐

NOTE:

By letter 12/8/71 Senator Alan Cranston (Democrat - California) with whom we have enjoyed cordial but limited relations forwarded to the Bureau a copy of a telegram he received from John Paul Gratz, Chairman, TWA Council, Airline Pilots Association, Saratoga, California. This telegram concerned the 10/4/71 hijacking of a chartered aircraft. Gratz erroneously implied the Bureau's actions were not in accord with the agreement between the Justice Department and Department of Transportation. Gratz also forwarded a copy of this telegram to the Republican Congressman from California and we responded to the Congressman's inquiry in a similar fashion as above. Senator Cranston is not on the Special Correspondent's List. The 10/5/71 telegram of Gratz is similar in all respects to one furnished the Republican Congressman from California on 10/6/71 and to which we responded 10/14/71.

ALAN CRANSTON
CALIFORNIA

United States Senate

WASHINGTON, D.C. 20510

December 8, 1971

To: Office of Congressional Liaison
Department of Justice
Washington, D. C.

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Daibey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

George M. O'Giffe

Enclosure from: John P. Gratz, Chairman
TWA Council 69
Airline Pilots Association
21140 Canyon View Drive
Saratoga, California 95070

Re: FBI policy for handling hijacking incidents.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure, will be appreciated.

Sincerely,

18 DEC 20 1971

Alan Cranston
DEPUTY ATTORNEY GENERAL

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D. C. 20510

Att:

b6
b7c

FEDERAL BU. OF INV.	
DEPARTMENT OF JUSTICE	
10	DEC 10 1971
DEPUTY ATTORNEY GENERAL	
FEDERAL BU. OF INV.	

Ask
12-17-71
JFH:6kc

Telegram

0030 (21)LA058

L SJA035 GW PDF TDSJ SARATOGA CAPIF 5 805A PDT

1971 OCT 5 PM 1 31

SENATOR ALAN CRANSTON

SENATE OFFICE BLDG WASHDC

DEAR SIR: LATEST HIJACK INTERCEPT BY FBI AGAIN RAISES GRAVES CONCERN OF AIRLINE PILOTS THAT FBI IS BENT ON A SHOOT FIRST SOLUTION TO THE PROBLEM OF AERIAL PRIVACY. THIS IS COUNTER TO MOST RESPONSIBLE JUDGEMENT. THE AIRLINE PILOTS ARE RESPONSIBLE BY LAW FOR THE SAFETY OF THEIR PASSENGERS AND CREW. WHEN HIJACKED, A DECISION TO INTERDICT MUST BE COORDINATED WITH THE FLIGHT CAPTAIN. THERE ARE SEVERAL ESTABLISHED PROCEDURES TO DO THIS. UNTIL ASSURANCES ARE GIVEN TO US WE SHALL CARRY ADDITIONAL CONCERN THAT IF HIJACKED WE SHALL BE MET WITH FUSILLAD OF GUNFIRE WHEN WE LAND, NO MATTER WHAT THE SITUATION IS ON THE AIRCRAFT. THIS IS OUTRAGEOUS.

I REALIZE THAT CRITICISM OF THE FBI OFTEN RESULTS IN AN OVERWHELMING



Telegram

BACKLASH BUT WOULD YOU PLEASE HELP US BY FINDING OUT THAT THE FBI IS NOT GOING TO CONTINUE TO ACT IN THIS MANNER AND THAT THEY WILL HONOR EXISTING AGREEMENTS WITH THE DEPARTMENT OF TRANSPORTATION, THE FEDERAL AVIATION ADMINISTRATION, THE AIRLINE PILOTS ASSOCIATION AND OTHERS. THANK YOU VERY MUCH FOR YOUR ATTENTION SINCERELY

JOHN P. GRATZ CHAIRMAN, TWA COUNCIL 69 AIRLINE PILOTS ASSOCIATION
21140 CANYON VIEW DRIVE SARATOGA CA 95070
50 21140 590570
(705).

164-2042-280

ENCLOSURE

F B I

Date: 11/26/71

Transmit the following in _____
(Type in plaintext or code)Via Airtel _____
(Priority)

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, MEMPHIS (164-76) (P)

SUBJECT: GEORGE MALLORY GIFFE, JR., aka (DECEASED);
ET AL;
CAA - HIJACKING; INTIMIDATION OF CREW MEMBERS,
CARRYING A CONCEALED WEAPON; KIDNAPING;
FTCA

OO: JACKSONVILLE

b6
b7C

Re Memphis teletype to Bureau and Jacksonville
11/24/71.

Enclosed for the Bureau is one copy of a cover letter attaching interrogatories submitted in accordance with court order of 11/11/71 which was mailed to U. S. District Court Judge FRANK GRAY, JR., by [redacted] Attorney representing Big Brother Aircraft and [redacted] filed in U. S. District Court Clerk's Office, 11/24/71.

Enclosed for Jacksonville is one copy of same letter and interrogatories.

The enclosed copies of the proposed interrogatories were obtained from USA CHARLES H. ANDERSON, MDT, Nashville, as it was determined from [redacted] Clerk, U. S. District Court, MDT, Nashville, that U. S. District Court Judge GRAY, MDT, retained in his possession the original letter with enclosure of the interrogatories and was not placed with the civil action file in the Clerk's Office.

Bureau will be promptly advised of any further pertinent developments in this case.

2 - Bureau (Encs. 2)
2 - Jacksonville (Encs. 2) (164-103)
2 - Memphis
RAM:tjm (6) - FB/9

Approved: [Signature]
Special Agent in Charge

Sent

MDEC Per

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 36

Page 38 ~ b6, b7C, b7D

Page 62 ~ b6, b7C, b7D

Page 63 ~ b6, b7C, b7D

Page 64 ~ b6, b7C, b7D

Page 65 ~ b6, b7C, b7D

Page 66 ~ b6, b7C, b7D

Page 243 ~ Duplicate

Page 244 ~ Duplicate

Page 245 ~ Duplicate

Page 246 ~ Duplicate

Page 247 ~ Duplicate

Page 248 ~ Duplicate

Page 249 ~ Duplicate

Page 250 ~ Duplicate

Page 251 ~ Duplicate

Page 252 ~ Duplicate

Page 253 ~ Duplicate

Page 254 ~ Duplicate

Page 255 ~ Duplicate

Page 256 ~ Duplicate

Page 257 ~ Duplicate

Page 258 ~ Duplicate

Page 259 ~ Duplicate

Page 260 ~ Duplicate

Page 261 ~ Duplicate

Page 262 ~ Duplicate

Page 263 ~ Duplicate

Page 303 ~ Duplicate

Page 304 ~ Duplicate

Page 305 ~ Duplicate

Page 306 ~ Duplicate

Page 307 ~ Duplicate

Page 308 ~ Duplicate

Page 309 ~ Duplicate

Page 310 ~ Duplicate

Page 311 ~ Duplicate